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COMMENCING WITH THE ACCESSION OF

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THE TWENTY-FIRST DAY OF MAY,

TO

THE SEVENTH DAY OF JULY, 1838.

Fifth Volume of the Session.

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1838.

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HANSARD'S

Parliamentary Debates

During the First Session *of the* Thirteenth Parliament *of the United Kingdom of* Great Britain *and* Ireland, *appointed to meet at Westminster*, 15*th November*, 1837,
in the First Year of the Reign of Her Majesty

QUEEN VICTORIA.

Fifth Volume of the Session.

HOUSE OF LORDS,

Monday, May 21, 1838.

Minutes.] Petitions presented. By the Earl of Meath, from St. Thomas, Dublin, and another parish in the same city, by the Earl of Mountcashel, from Fermoy, by the Marquess of Downshire, from the High Sheriff and Grand Jury of the county of Cavan, and from three parishes in the county of Down, by the Marquess of Londonderry, from Ardfinnis, and another place in the county of Down, Glenard, in the county of Antrim, Muff, in the county of Donegal, Ardreagh, Ardfert, Kilcronan, Ballyporeen, Banagher, and several other places in the county of Londonderry, by Lord Carbery, and by the Marquess of Westmeath, from a parish in Dublin, against certain portions of the Poor Relief (Ireland) Bill.—By the Duke of Buccleugh, from the Presbytery and town of Dumfries, and by the Archbishop of Canterbury, from Bath, for the better Observance of the Sabbath.—By Lord Dacre, from Hitching, by Lord Foley, from Worcester, by the Archbishop of York, several, by the Archbishop of Canterbury, several, by the Duke of Cleveland, from Sunderland, by Lord Denman, from Nottingham, by Lord Brougham, from the Corporate body of the city of Edinburgh, the Presbytery of Paisley, and several other places, for the Immediate Abolition of Negro Apprenticeship.

Poor-Law (Ireland).] Lord *Fitzgerald*, having presented a petition from an individual, who, stating that he had considered the bill passed by the other House of Parliament did not go far enough, nevertheless prayed their Lordships not to reject it on its second reading, went on to say, that he did not agree with the petitioner in thinking, that the measure to be discussed that evening did not go far enough; but, on the contrary, was of opinion, that it might be said to go too far; he also had come to the conclusion, that it would be better not to reject it on the second reading, but at all events to let it go to committee. He begged to add, that, such being his opinion, it was his intention to vote for the second reading of the measure. This he conceived it was his duty to do, as well out of deference to the opinion expressed on the subject by the other House of Parliament, and throughout the country at large, as from the not unnatural desire he felt to free himself from the suspicion of being actuated, in respect to so important a measure, by motives of either an unworthy or selfish character, and to give to those who proposed a measure for the relief of the people an ample opportunity to explain its principles and objects. He hoped, however, should their Lordships decide upon reading the bill a second time, that it might be materially altered in the committee; and as far as the efforts of an humble individual could go, he pledged himself to try and make the measure what he conceived it ought to be. If, however, it were not made in committee such as he desired to see it made, he should certainly claim to himself the right of taking a different view of it upon the third reading from that he entertained respecting the fitting course to be adopted upon its present stage.

Viscount *Melbourne* rose to move the second reading of the Poor Relief Ireland Bill, and spoke to the following effect:—Your Lordships are so well acquainted with the origin and foundation of this measure, and of the proceedings which have already occurred with regard to it, that in moving the second reading of the present bill, I do not think it necessary to go into details at any great length. Your Lordships are well aware of the circumstances attendant upon the change of the poor-law in England, together with the effects attributed to it before that alteration took place. Your Lordships are aware, of course, that a Commission of Inquiry was issued, and that a bill was introduced and passed by your Lordships in 1834, which, notwithstanding all the observations and attacks made on it, I will venture to say has been attended with a success beyond any expectations which could fairly or reasonably be anticipated from it. My Lords, a general feeling with respect to some provisions also for the poor of Ireland prevailed at the time when the English bill was passed, and a committee was accordingly appointed, which entered on a minute inquiry, and made an elaborate and able report; and your Lordships are also aware, that a mission was despatched with the view to the further consideration of the recommendations of the commissioners. You know, my Lords, that on the Report of the Commissioners, and on the report of the gentlemen so sent, this bill is founded which it devolves on me to open on the present occasion. My Lords, I will not here expatiate on the great difficulty which is cast on me, being perfectly convinced of the inadequacy of my powers, whether with respect to the general question involved in the principle of this bill, or with respect to any particular knowledge of the circumstances of the country to which its provisions are to apply; and being well aware, that any observations which I may address to your Lordships must necessarily be either insufficient in their nature, or incommensurate with the magnitude of the subject, I feel relieved from a great portion of the doubt and suspense, and much of the anxiety and solicitude which must properly and naturally embarrass any one standing in the circumstances in which I am now placed, by knowing that your Lordships have all had access to the able reports I have just adverted to, I own I am about to propose a measure to your Lordships with respect to which I formerly entertained a different opinion from that to which I now ask you to assent. I own, that in taking a general view of the subject I was for a long period so fearful of introducing a legal provision for the poor of Ireland, and so well aware of the dangers which are now pointed out, that I certainly was unwilling to adopt such a measure; but I beg any of your Lordships who oppose this poor-law Bill from a dread that a legal provision for the poor of Ireland must be similar to that which formerly existed in England, and that the great evils and dangers which were found to attend the system of poor-laws adopted in England, and which were suffered to grow up under its administration, although the evils of the English system were great, although its effects threatened to absorb the whole of the capital and property of the country, and although it had an unquestionably baneful effect on the character of the people—yet, I repeat, I beg your Lordships not be led away with any general reasoning or feelings of the description which I have noticed, but to recollect, that the progress of those evils was slow; that they did not appear at first; that a system of poor-laws was for a long time found consistent with a great degree of prosperity and good government in this country; that the evils arose from the system of the administration of the poor-law, and not from the poor-law itself; and I also implore your Lordships to consider—whatever may be the general opinion as to its effects in producing poverty and injuring the character of the country, that there are very strong reasons to suppose, on subsequent consideration, that there were attending the introduction of the poor-law other advantages which, in a great degree, compensated and counterbalanced the disadvantages which I shall not attempt to deny; and I beg your Lordships further to consider that these evils, great as they were, could be remedied, and that a remedy has been actually applied to the evils of that system. There is, therefore, no reason, on general grounds, for at once rejecting the application of a system of poor-laws to a country in which it has not as yet existed, or for adopting the supposition that the evils of it would be found so great as to render it impossible to meet or overcome them. It is on the amended system of the English poor-law that this bill, which I now propose to your Lordships for second reading, is founded: it is, in fact, an adaptation of the act of 1834 to the circumstances of Ireland, with such alterations as were required by the peculiar circumstances of that country, and such amendments as the experience of its working suggested it would be prudent and expedient to adopt. It is probable, considering the long discussion which this bill has undergone—the great interest which it must necessarily have excited, and the great importance of its provisions—that your Lordships are well acquainted with the general objects to which it purports to be directed. I, therefore, think it only necessary to state its provisions in a short and cursory manner. The bill is founded on the act of 1834, and its administration is placed in the hands of the Poor-law Commissioners of England, with the addition of one commissioner, an augmentation to the establishment which is justified by the greater labour and the more important duties cast on that commission by the operation of this law. The commissioners have the power of changing the sittings of the board in England and Ireland, and one commissioner is to be resident in Dublin, having all the powers of the board except that of making general rules. The commissioners of Ireland are to have the same powers to form the country into unions as those which exist in England; and also to form and dissolve unions without the consent of the guardians, which is a different provision from that in the English bill, but one which has been found necessary in the circumstances of Ireland. The commissioners are to have also the power of dividing the country into electoral districts for the purpose of the election of guardians—such elections to be made by the rate-payers, who are to vote by a scale of property similar to the principle of Mr. Sturges Bourne's bill, as well as to that of the act for the better relief of the poor in England. It will be their duty also to direct the number and qualification of the guardians; but upon such matters of detail, when the principle is the matter upon which we have now to decide, it is not my intention to dilate. But there are two provisions with respect to the election of guardians on which I think it necessary to dwell. No person in holy orders belonging to the established or any other religion is to be a guardian. I beg leave to state, that in introducing this provision, the reason of which will at once suggest itself to your Lordships' minds, it was our intention to consult the circumstances of the country to which the act was to be applied. It was on account of these peculiar circumstances that we propose this provision; for, as far as my own opinion goes, I do not mean, in proposing it, in the slightest degree to countenance the doctrine that it is prudent, wise, or right that the ministers of religion should be entirely withdrawn or prohibited from secular or temporal occupations. I do not found this clause on that principle, but solely on the particular circumstances of the country. The next provision to which I wish to advert is, that all the magistrates are to be *ex officio* guardians; but considering that the number of persons in the commission of the peace is so great that they might be found entirely to counterbalance and outweigh the elected guardians, we think it necessary to enact that *ex officio* guardians shall in no case be more than one-third of the elected guardians, and that instructions shall be given to the voter to choose a proportion commensurate with that division. Power is given to the commissioners to build, or hire, or purchase workhouses, with all other powers which may be necessary to give effect to the provisions of the bill. There is one clause which I cannot omit from this short statement, Clause 41, because it does, in fact, contain the whole principle and main provisions of this bill. It is this—" And be it enacted, that when the commissioners shall have declared any workhouse of any union to be fit for the reception of destitute poor, and not before, it shall be lawful for the guardians, at their discretion, but subject in all cases to the orders of the commissioners, to take orders for the relieving and setting to work in such workhouse of such persons as the said guardians shall deem to be destitute poor, and unable to support themselves by their own industry, or by other lawful means." Your Lordships will perceive by this clause that the question you have to consider is, whether a provision for the destitute is to be left to the discretion of the guardians, subject to the orders of the commissioners. There is no right given to relief; the whole power is left to the discretion of the guardians to act on their own knowledge, and according to the circumstances that appear before them. It is almost superfluous to say, that there are clauses introduced for the purpose of securing the due performance of religious worship in the workhouses, and perfect freedom of religious worship, so that no person shall be in the remotest danger of being compelled to attend any worship of which in his conscience he may disapprove. The bill then proceeds to give a power to the commissioners to preside over the elections of guardians and to raise a rate. Amongst the liabilities to which it subjects the people, it throws the obligation of maintaining children on parents, and of supporting parents on children. It then confers on the guardians the power of raising such rates as may be necessary for carrying into effect the purposes of this bill, of assessing all occupiers of hereditaments (if such a step should be considered necessary), and of borrowing money from the Board of Public Works, which will lend it on easy terms when secured by the pledge of the guardians as to its repayment. I have stated very shortly what appear to me to be the principal provisions of the bill to which I now entreat your Lordships to give a second reading, and in which many of your Lordships may remark, that there is not only much to be inserted, but much which has been omitted. I know very well, that the bill as it stands, and as I have stated it, leaves for your Lordships' consideration many questions of interest and importance so large and so powerful in their consequences, as to be equal in themselves to a substantive measure: it leaves to your Lordships to consider in committee who shall be relieved, the mode of giving relief, the mode of rating, and the question of settlement, all of the greatest and highest importance. I will not enter into a discussion of those topics, because I am amply aware, that what we have to discuss now is the principle, which is in itself of so great importance as to be sufficient to occupy your Lordships' attention during the whole of this debate, allowing those other questions to remain over to that state of the bill and of the House at which they may be considered with better reflection and with still greater knowledge than we can now possess. All I would pray of your Lordships is—to keep your minds open and not now to pledge yourselves to any decided opinion on these subjects. My Lords, I do not mean to urge the authority of the other House of Parliament on your Lordships to preclude due deliberation on this subject; but I am informed, that all those questions which appear so specious—relief to the able-bodied, settlement, and the others—have been discussed with great impartiality, research, care, and attention, and that there were found with regard to all of them difficulties and impediments almost insuperable. I must, therefore, again ask your Lordships to keep your minds open on these questions, and not to prejudge them before you have had an opportunity of hearing them fully argued and completely discussed. The general principle is sufficient for our consideration now: sufficient it is unquestionably in magnitude, weight, and importance. In the course of the preliminary discussions which we have had on this bill it has been often asked, "What is the principle of it?" There has been some dispute and difference of opinion on this point. Some have said, that its characteristic provision is that relating to workhouses; and others have described it by other provisions which it contains. It is sometimes a difficult question to say, what is the real principle of a measure: it may sometimes be so general in its nature, and sometimes so important in its details, as to render it impossible to deduce one abstract principle from its provisions; but if ever there was a bill the principle of which was clear and distinct, it is the present. It was introduced on the principle, that it is expedient in the present condition of Ireland, that a compulsory provision shall be levied for the relief of the poor. That is the question which your Lordships have this night to decide—leaving out of view the details of the present measure, which I feel, however, to be of so much importance, that if you decide upon them in one way it will alter my opinion, and I am sure that of many other of your Lordships, on the principle of the bill; but the question which you have now to determine is—whether, in adopting the principle, you are of opinion it can be wisely, prudently, and safely carried into effect. Now, the general principle being what I say, I shall now state to your Lordships the reasons which make me think you should affirm it as far as we ask you to do so in the present bill. Poverty is the general condition of man, belonging to all nations, all climes, all situations, and all circumstances. Toil, labour, and poverty, were the original denunciations of our race; and the whole history of the world proves the truth of the assertion. It is no matter whether the soil be harsh or churlish, or if it teem with fruits and vegetation, the same rule applies. If the latter be the case, it dispenses with exertion, and prevents that industry and energy by which alone prosperity can be secured. If a country be sunk in poverty, it is difficult to rise and emerge from it, because there are not the means to do so. Should a country grow and increase and swell in prosperity, there follows, with still greater certainty, unrestrained and inordinate desires, great luxury, violent passions, an unwillingness to remain in the situations for which we are fitted, and a desire to be suddenly transported into wealth, and to indulge in wild speculations, bringing ruin and destruction not only on those engaged in them, but on all within the sphere of their operation. The question for lawgivers and Government is, how can you best meet that which you cannot escape, and from which it seems impossible that you should be exempt? It is said by bold and speculative men, who look to general reasoning and to the effects of things, and forget both individual suffering and feelings, "We do not say that poverty is crime, but it is in general the result of error, of neglect, of vice, of luxury; and if you will have men and society exert the energies which belong to them, the best thing you can do is to leave them to their own punishment, and make no provision for the state of suffering to which they may be reduced." This is all very well, but you cannot do it; the nerves of men cannot stand such a system; and, therefore, the general practice of all European nations, as shown by the papers which have been laid from time to time on your Lordships' table, is to afford some means of relief having the same evils to meet and very much the same errors to correct. But common sense and experience seem to have pointed out the necessity of the State taking care of those who are reduced to poverty, and not trusting exclusively to the natural foresight and circumspection of individuals. Now, how does this reasoning apply to the country with respect to which we are called on to legislate? Ireland is no doubt very fertile, though its advantages in this respect, I believe, to be exaggerated, but there are some parts of the country of extraordinary fertility, and of great powers of production. Ireland is, also, a temperate country — temperate, I mean, with regard to its climate. The rigour of winter is much less severe than in England. Well, then, what is the state of Ireland, both with respect to its population and its social character? I do not think the poverty of Ireland is as great as it is sometimes represented. I am of opinion, that when men say, that there is no country in which there is more poverty than in Ireland, they underrate what is to be found in other countries, by comparing it with what they have themselves witnessed in Ireland. There is on a subject of this nature no feeling of party, and expressions may be alluded to in reference to it without any apprehension of giving offence. The noble Duke (Wellington) has frequently said, that there are few countries in which life and property are not more secure than in Ireland. It is impossible to deny, that there is a considerable deal of truth—of unpleasant truth—in that assertion. I think, there is some exaggeration in it; at least I think that that character only applies to particular parts, and that there are many portions of Ireland free from any reproach of that nature. But repose, obedience to the laws, these excite no observations; peace is perfectly unnoticed. Murder, however, strikes and makes a deep impression in the public mind and imagination. Well, then, such is the state of this country, blessed with fertility, endowed with a temperate climate, and yet its population is in such a state of destitution as to be represented to be the most impoverished in Europe, and its social insecurity not to be paralleled by any long-inhabited country, be it barbarous or civilised. Now, that is a very strong expression; but there is some ground for it in the assertions of those who visit the country, and I could not help referring to it when I call to mind that the work of one of the commissioners, signed by a person of very superior ability, attributes the poverty of Ireland to causes to which I think it cannot be fairly ascribed. Nobody can reprobate the penal laws more than I do. The system by which Ireland was long governed, is disclaimed on all sides, and retrospectively universally condemned. Yet I do not think, that the poverty of Ireland is to be attributed to the penal laws. Exclusion from place, from political trust, and affixing to the people marks of disgrace are evils enough; but if you take into consideration the continued exclusion of the Jews—if you look to the Arminians in Holland—or to the condition of these very Roman Catholics themselves, I don't believe, that you will arrive at the opinion that exclusion produced their impoverishment. Why, then, my lords, it is very doubtful whether we did not begin at the wrong side, and whether we should not have done right if we had introduced a system of poor-laws in the first instance, after the practice observed by other countries. I think this measure will be the beginning of a system of order, and that it will introduce order in a beneficial form. You have hitherto done nothing, which was not in its nature, I will not say violent, but coercive. The measures which you took were in my opinion right, perfectly right, but they were of a harsh character. You have set up a strong system of police; you have done so very correctly, but I cannot say, that the system has had the effect of repressing crime to the extent anticipated from it; at least, there is so much crime with the police, that the country must have been perfectly uninhabitable without them. In that measure, though a just one, there was nothing gracious or conciliatory. The present measure is founded on the soundest basis, namely, conciliation, Christian love, and charity. It will form the foundation for introducing measures for the suppression of mendicancy and vagrancy. And here we must be very cautious in seeing that we do not in our attempts to check vagrancy, prevent persons from taking their labour to the best market under the fear that they will gather the corn a little before it is ripe; and that we do not meddle too roughly or hastily with the established habits, and settled practices of the country. But the great advantage to which I look is this, that one great evil of the country, the struggle for land, will be remedied by it; that is, the desire which the people of the country now have for the possession of land as the only means of subsistence, and the violent means which they take of enforcing what they conceive to be their right with regard to it, will be much lessened, if not extinguished. I have already said, that influenced by the writings of many eminent political men, the most eminent of the present political economists. I had my doubts whether the effects attending a system of poor-laws, did not counterbalance any advantages which may be derived from them; but a full and careful consideration of the subject, convinced me that it was most beneficial that the landholders should be made to take an interest both as to the situation and the number of the people on the land. In 1728, an act was passed to prevent the sub-letting of lands, but many attempts were made to evade its provisions. I think, that this measure will tend very much to prevent those atrocities which occur sometimes from the reflection on men's minds, that if they were turned out of their lands, they have no alternative but to starve. It may be sanguine to expect that feelings which have so rooted a hold of the country can be done away with at once by any legal provision; but at least I think it is worth trying the experiment, and it is more than probable that by degrees it may effect some amelioration. These are the general views on which I recommend the second reading of this bill to your Lordships, and its impartial consideration by you in committee. I shall now proceed to answer a few objections which have been urged against this measure. In the first place, it has been alleged that the people for whom we are now about to legislate do not possess amongst them men on whom we can rely for carrying into effect the provisions of a measure of this description. Now, for my part, I think that if anything strikes us more forcibly than another in the character of the Irish people, it is the readiness and versatility of their talents, and the promptness with which they adopt anything that is presented to them; and if this be not a sign and test of superior talents I know not where to find them. And if these talents be purchased in the present instance at the expense of some more solid gratification, that steadiness and regularity of character as men of business, which the Irish are not celebrated for, it should be borne in mind that we ought not to complain of this, as we have never taken steps to employ them in a manner so as to bring them up in these habits. The next allegation is, that this bill will injure the character of the country. It is alleged that Ireland is at present the most charitable country on the face of the globe—that people there do more for one another than in any other part of the world—that neighbours make sacrifices to assist neighbours, which no people would think of in any other country—and that all these fine feelings and generous acts will be suppressed by the introduction of the present measure. My Lords, I can only assure you, that if I thought so—that if I expected that these feelings would be done away with, and the principles of selfishness invade their place in the heart of the population of Ireland, I should not have introduced it. But I think, my Lords, that the feelings of human nature are not so easily to be uprooted as is contemplated by those who urge the objection. The poor-laws are supposed in England to have done their worst; but I am sure that even in this country there is more of error on the side of indiscriminate charity and compassion for the distressed, depraved as we are by the operation of the poor-law, and of the commercial habits of the country, than on any other. I wish now to say a word or two with respect to the introduction of the workhouse system into Ireland. The principle on which a poor-law should be established is the general benefit of the country; we should relieve the destitute, but at the same time we should not do so in any way to paralyse that feeling of energy, exertion, and enterprise which should naturally be paramount in every man's bosom; and for this purpose I think the workhouse system is the one best adapted as a test for the necessities and the means of the applicant. For I do not believe, that it is in the nature of man to subject himself to the regulation and control of others, unless he find that it is impossible for him to support himself by any resources within his reach. The love of being master of one's own actions is so dominant in every man's breast, that he would never place himself in submission to the rule and government of others if he could possibly do anything independently for himself. And this, my Lords, is the great incentive to exertion, not only in the poor, but in us all. A man does not know, himself, what he can do till he tries; and where the workhouse is before him as the only alternative, he will try, and he will find means of profitably employing himself. I have no fear, that the workhouses will be swamped on account of the number of applicants, although there can be no doubt that the diet in a workhouse, or in a prison, must be better than that which a poor man can generally procure himself in his cottage. Indeed, my Lords, it cannot well be otherwise; for although for the good of the pauper himself, or for the peace and good government of the country, we think it best to deprive him of his general liberty, and to confine him in a workhouse, we are still bound to support him, for he has not been sentenced to starvation, but only to imprisonment. The diet of the workhouse, and of prisons also, has this great advantage, that it is certain. A man is certain of a breakfast and a dinner every day, which is no slight advantage. But at the same time there is nothing so preposterous as calling workhouses, either in England or Ireland, by the term of prisons. Prisons, my Lords, are places in which people are confined by force against their will; in workhouses, to remain is optional; the doors are open, and people may go out if they think proper. If it were to be said, that in all cases people were in prison when they were in places which they would rather leave, but which they could not because of their necessities or their circumstances, why then all the world might be said to be in prison, and many, even of your Lordships are in prison also. I have now, my Lords, stated the general and particular grounds upon which I recommend the second reading of this bill to your Lordships. I am very sensible of the importance of the subject, and I am also sensible of the fact, that this is a measure which cannot be carried into effect without the co-operation of the friendly opinion of the great body of the people of Ireland. As to the general principle of the bill, I believe that it has received the general assent and concurrence of the people of that country. I have not examined all the petitions which have been sent up to this House on the subject; but in those which I have read, I have found nothing beyond some recommendations for the alteration or modification of some of the provisions of the bill, or for the introduction of some other provisions not already contemplated by the framers of the bill. In offering this bill to your Lordships for a second reading, I will not exhort your Lordships to consider it with impartiality and deliberation, because I am sure that it will be so treated at your hands. Admonitions of this description are sometimes taken in good part; but at the same time it cannot be denied that they generally imply something of superiority on the part of him who ventures them, and therefore I shall adopt no such course on the present occasion. Considering the importance of the subject, and the extent and variety of the interests involved in it, it is impossible to expect that it should be discussed otherwise than with that interest; but at the same time I offer it with full confidence to the calm and unprejudiced consideration of your Lordships. The noble Lord concluded by moving, that the bill be read a second time.

Earl *Fitzwilliam* said, that he entirely agreed with his noble Friend who had just sat down, that unless they were to carry along with them the public opinion and co-operation of the people of Ireland in legislating on this subject—however cautious their enactments might be—or however wise his noble Friend's exposition of them, both would prove fruitless. For his own part, he hoped he should not come under the denunciation of the self-styled charitable portion of the public, if he declared that he considered any provision for the poor to be inconsistent with a wise system of government, and disadvantageous to the country. His noble Friend entertained the opinion that the introduction of poor-laws into England had done good, and tended to promote the general wealth and prosperity of the nation. Now, he thought that this was a gratuitous assumption. He thought it might be inferred that the prosperity which marked the commencement of the 17th century in this country was not owing to the existence of a poor-law; the prosperity which then shone upon us was not confined to the palaces of the noble, or the mansions of the rich, but enveloped all classes of the community; therefore, the poor-laws could have little or nothing to do with it. He must say, that it seemed to him that laws for the benefit of the poor tended to rob the supreme Ruler of the Universe of one of his attributes, and to overthrow the law which he had promulgated in the beginning of the world—that "man should eat bread by the sweat of his brow." He knew that it had been attempted to be shown, that the poor-law did not relieve the idle or the undeserving. But if the result of the poor-law in England was to produce this principle, was there any reason to believe, that a similar law applied to Ireland would obtain the same results? If there was any distinction between the characters of the two countries, he thought it would rather tend to show, that what was safe in England ought not to be too rashly attempted in Ireland. He was glad to hear, however, that his noble Friend did not intend to insist either upon carrying this bill exactly in the form in which it came up from the other House, or abandoning it altogether; and, therefore, it was open to their Lordships to amend, modify, and improve it as they thought fit. In his own opinion, the workhouse would be no test at all in Ireland. He had devoted a great deal of attention to the operation of the poor-law in England, and his deliberate opinion was, that the real test was not in the workhouse, but in the board of guardians. In the new administration, under this tribunal, the law was admirably applied; the pauper had wrung from him all the circumstances of his condition, and underwent a cross-examination which no one would like to risk, except under circumstances of real necessity. But with every respect for his countrymen on the other side of the Channel, he doubted whether it would be possible to establish those tribunals in Ireland for the administration of such matters, with the same power and satisfaction as in this country. As far as his own knowledge of Ireland extended, he believed that in the part of Ireland with which he was connected—and a noble Earl opposite would, perhaps, agree with him in this—it would not be impossible to administer such a law. The eastern, and some parts of the north, might be exceptions to the general rule; but the general rule was decidedly against the principle; and, in his opinion, their Lordships and the Legislature would incur great responsibility, if, merely because an improved system of poor-laws had been applied to England, they were to seek to establish the same mode in Ireland, There always appeared to him to be a great mistake on this subject. In his opinion the new-poor law was an important improvement in England, inasmuch as it was an approach to no poor-law, and this was the only view to take of it. The great mistake of Mr. Nicholls was, that, having proved an admirable administrator of the English poor-law, he thought that no other system but that which was adopted in England would operate successfully in Ireland. Mr. Nicholls had taken two tours of six weeks each—one in the south to Kilkenny and Cork, and one in the north to Monaghan and Armagh; but in the course of his northern tour that Gentleman, he believed, was very little heard of at Belfast, the capital of that part of the country, and where the public spirit and intelligence of the inhabitants might naturally have been expected to yield him accurate and important information. These brief tours, it would seem, enabled Mr. Nicholls to draw different conclusions from those which had been arrived at by other commissioners engaged in the same inquiries, and who were as painstaking and industrious as any commissioners who ever inquired into any subject. No one could doubt that the Archbishop of Dublin was a man of great knowledge and ability, whatever some noble Lords might object to his politics; and it, therefore, did savour somewhat of rashness and presumption on the part of Mr. Nicholls to overturn the opinions of the Archbishop of Dublin and the other Gentlemen who had, after a laborious investigation, reported on this subject. With reference to the workhouse test, he wished to make an observation or two. Their Lordships had, of course, read the report made by Mr. Nicholls, and he must call the attention of their Lordships to one remarkable passage contained in it. In that report, Mr. Nicholls said, he found every person with whom he had conversed agree with him in opinion, that if they granted out-door relief, the whole population of Ireland would, in a short time, become one mass of paupers. If the workhouse system were adopted, his noble Friend would find, that in five, or three years, nay even in twelve months, such a call would be made on the local boards, as it would be impossible for them to withstand. Even the commissioners in Dublin would not take upon themselves the responsibility of refusing it, and he doubted whether those at Somerset House could resist it. What, then, would be the state at which they would arrive? Why, they would realise the picture drawn by Mr. Nicholls himself, and find the whole Irish population one mass of paupers. His noble friend saw the dangers of the experiment which he wished their Lordships to make, but he said he had guarded against it. Had he? Suppose a thousand workhouses were erected and filled, and that a state of distress and famine, not uncommon in Ireland, ensued, what, he asked their Lordships, would be the consequence; for instance in Donegal, when the starving population of that district found the doors of those workhouses closed against them? In such a case, he would defy the commissioners in Dublin, or at Somerset House, to refuse outdoor relief; and if so, what would become of the workhouse test? He was sure that the author of the bill must have contemplated such a case; and if he had not, ought not this fact alone to convince his noble Friend that he was requiring their Lordships to embark in a hazardous experiment? But under what advice were the Government acting in this instance? Why, the opinions of "picturesque-seeking tourists." He asserted, that this bill was the production of "the humanity-mongers," that it proceeded from England, and was not called for by Ireland. It was not an Irish but an English bill. Who had asked for it? Not the landed proprietors, not the lower classes of the people in Ireland, and of this he was prepared to give their Lordships proof. Let them search the files of the Irish newspapers—let them consult the proceedings at county meetings—let them look at the appeals made by candidates to the constituencies—let their Lordships do all this, and he believed they would not find, upon any occasion, when the object was to conciliate good will, that a single individual had stood forward on the ground that he was entitled to consideration, because he was prepared to support the proposition for introducing Poor-laws into Ireland. These were circumstances which he thought were conclusive against the measure, Now, with respect to the effect which it would have on the occupiers of land. Those tenants who paid less than *5l.* a-year rent, were to be exempted from the Poor-rate, but those who paid more, were to be liable to it. Such a regulation would have a most injurious influence on the management of land, because it would press unjustly on those masses, whose holdings were below the level at which the liability to the rates ought to be fixed. No one was more alive to the evils of the subdivision of land which existed in Ireland than he was; but then, these evils were not of recent, but of remote origin, arising in fact, out of events in the early history of Ireland, and going as far back perhaps as the time of Henry 2nd. He begged their Lordships' not to understand that he wished the exemption to begin at less than five pounds. On the contrary, his opinion was, that it ought to commence at a much higher amount, and then, that the rates should be paid by the landlord, and not by the tenant. One of the imperfections of the bill was, that it did not provide, that some defined amount of the expenses should be borne by the tenant, and some other defined amount by the landlord. This was a matter which, if properly adjusted, would, he was persuaded, get rid of much difficulty. He took a deep interest in the subject, but, differing as he did from the view of the Government, and though usually supporting them, he would not shrink from expressing to their Lordships the opinion which he entertained with regard to this bill. If they admitted the right of the able-bodied labourer to relief, and this they would do, gloss it over how they might—if they passed this measure, they would inflict a deep wound on the growing prosperity of Ireland. He asserted, without fear of contradiction, that Ireland had rapidly grown in prosperity within the last two years, and that the effect of this measure would be to materially check that prosperity. It could not be denied that their Lordships were called on to try a great and hazardous experiment, and, therefore, if they sanctioned the second reading of this bill, he would watch closely all its details, with a view to their proper modification and amendment.

The Duke of *Wellington* said—My Lords, I rise thus early in the debate, to recommend your Lordships to give this bill a second reading; but, although anxious to address you on the subject, I certainly do not think it necessary to follow the noble Earl who has just sat down, in the objections which he has stated, to certain of the details of the measure. This, my Lords, is not the proper occasion to discuss those details. At the same time, in a measure of this importance, I must say, that I entirely concur with the noble Earl, and the noble Viscount who has made this motion, that it is absolutely impossible to leave out of consideration altogether any reference to these details; but still, it is my intention to confine myself, as much as I possibly can, at present, to the general principle of the measure, and to consider it, with a view to amend it, as far as may be possible in the committee, so as to render it a fit bill to pass through your Lordships' House, and at the same time give satisfaction to that part of the United Kingdom for which it is intended. My Lords, I entirely concur with the noble Viscount, who has made this motion in having thought for many years that, of all the countries in Europe, Ireland is the one in which it has appeared to me to be least possible to establish anything in the nature of the English poor-laws. The opinion delivered by others has been, that there were no materials to be found in Ireland proper for forming, or if formed, for administering with salutary effect, any system of poor-laws such as exists in this country; and I, my Lords, believe that there is no doubt whatever of the justice and truth of that opinion, considering the English poor-laws as they formerly existed, and as they were carried into execution up to the year 1834, when noble Lords opposite introduced the measure which amended them. While, however, I say this, I am bound at the same time to express my entire concurrence in the opinion declared by the noble Viscount, that there never was a country in which poverty existed to such a degree as it exists in that part of the United Kingdom. My Lords, I was in office in that country—I held a high situation in the administration of the Government of Ireland thirty years ago—and I must say, that from that time to this there has scarcely elapsed a single year in which the Government has not at certain periods of it entertained the most serious apprehension of actual famine. My Lords, I am firmly convinced that from the year 1806 down to the present time, a year has not passed in which the Government have not been called on to give assistance to relieve the poverty and distress which prevailed in Ireland, and owing to circumstances over which no human power could have any control. One of the circumstances which has most frequently led to this lamentable state of things has been the failure or delay of the potato crops, and there have been known times when two, three, and even as many as four months have intervened before these crops, which are used as a subsistence by the people, could be brought into the market, and such are the social relations in that country, that the people have no means of coming to market to purchase like the people of England. My Lords, this is a fact that is undoubted, and one that I believe never existed in any country in the world except Ireland. But, my Lords, this is not all. There has been inquiry after inquiry instituted into the state of Ireland, year after year, on the subject of this poverty, which has led to outrage of every description, and in each fresh report, the same painful, as well as unexampled, distress is represented as existing. The same is the result of the labours of the commissioners who were appointed to inquire into the state of the poor. They have made undoubtedly most valuable reports, and in every page of those reports there are the most flagrant proofs of the distress under which the people of Ireland are labouring. I therefore say, my Lords, that with respect to this fact, there can be no doubt, and also that it is one which does certainly require the most serious and anxious attention of Parliament, in order to devise some measure for applying a remedy to an evil of such magnitude, and so much to be deplored. I think, my Lords, the noble Viscount, as well as the noble Earl, have both fallen into a great mistake in stating that there is no such thing as the means of relief for the poor in Ireland. [Viscount *Melbourne:* I said in the workhouse.] There are means for that purpose, and it is well known that considerable sums of money, not less than 100,000*l.* and 270,000*l.* have been granted by the Government for the relief of the poor of that country. But, besides this, there are other means; there are mendicity societies, which distribute large sums among the poor, and the voluntary bounty of the humane and charitable. Now, all this ought to be taken into account, and considered as part of the expenses of the measure—ought either to be set off against the expenses, or carried into the account along with those expenses. This, my Lords, being the case, and the existence of the distress being admitted, I for one think some measure necessary; but still I admit it may be fairly asked by those who are opposed to the principle of the measure, to its being read a second time, "What do you expect from this bill? Will you not have, even though it should pass, distress and poverty in Ireland?" Undoubtedly, my Lords, I agree with the noble Viscount that I do not expect to cure the poverty of Ireland by this bill, or by the workhouse test, but I never considered that the Poor-law Amendment Act, as proposed and carried by the noble and learned Lord—I never considered, that the enactments of that measure would effect any other good purpose than I anticipate from this. No, my Lords, I never expect more from this bill than that it will improve the social relations of the people of Ireland, and prevent that state or degree of poverty and distress which now prevails from longer existing in that country. There is, my Lords, another result which I anticipate from this measure, and it is this, that it will induce the gentlemen connected with Ireland, whether resident proprietors or not, to look after their properties, and at the same time also to pay some little attention to the state of the population on their estates. This will lead to better consequences, without regard to the workhouse, for its tendency will be to improve the social relations between landlord and tenant—between the occupier and the labourer of the soil. My Lords, this is the result which I anticipate. I confess, my Lords, that if the state of the poor had been continued in this country as it was four years ago I should have hesitated before I gave my assent to the introduction of Poor-laws into Ireland; but, seeing the results, which the measure of 1834 has produced in this country—seeing the great advantage which has occurred from the working of that system—and seeing how, more particularly, it has improved the relations of landlord and tenant—I cannot help desiring some such measure for Ireland, in order, if possible, to remedy the evils of that country. My Lords, I confess that there are other measures connected with the subject which I should wish to see brought forward by the Government. Some of these measures to which I allude have either been wholly omitted in the discussions which have taken place in the House of Commons or little or no attention was paid to them, and I have no doubt that, whether this bill be considered as an improvement or not, the measure alluded to by the noble Viscount with reference to the suppression of mendicity and vagrancy would be of the utmost advantage in paving the way for this bill. I agree, my Lords, that considerable time must elapse before this measure can be carried into effect—before the workhouses can be in a state to receive any of those for whom they are to be an asylum—and, therefore, it is, that I venture to express my hope that the noble Viscount will not allow the present Session to pass over without bringing forth his measure with regard to mendicants and vagrants; without his having that measure in such forwardness that it can be carried into execution at once. There was another part of the measure of 1834 which was most important, and most worthy of being considered with reference to the provisions of the present measure. I mean that portion of it which localized the expense. I am firmly convinced, that the establishment of a law of settlement, in connexion with this bill, in Ireland would be productive of unbounded expense and taxation, and lead to disputes of which no man could foresee the end—at the same time, in this measure, it is our duty to take care that those parishes from which those persons are taken who are to be placed in the workhouses shall be required to pay the expenses connected with the relief of those paupers. That arrangement is one of the principles of the economy of the execution of the Poor-law in this country. Each parish pays its own expenses, and the consequence is, that there is the greatest possible economy practised; that there is a control over the expenses; and that the proprietors of the soil are interested in keeping those expenses down to as low a pitch as possible—so that it frequently happens—a fact within my own personal knowledge—that they employ a man at sufficient wages rather than send him to a workhouse to be supported by the parish at a far greater expense. In Ireland, then, I think we ought to take care that, at least, the expense of supporting the relief of its own poor, fall on each individual parish. I think it possible that such an amendment may be introduced into the measure, and I hope the Government will be able to do it on this suggestion. I will not detain your Lordships at any greater length on the present occasion, as your Lordships will all have a further opportunity of proposing such amendments as you may think proper; but I hope, that after what you have heard in the course of this discussion, and considering the destitute condition of a great portion of the Irish population, you will not do anything that may have an injurious effect upon the principle of this bill in its present stage, but that your Lordships will wait until it is fairly before you in Committee. It is my intention to vote for the second reading of the bill.

The Marquess of *Londonderry* said, that as he had on several prior occasions been charged with numerous petitions against the measure now before their Lordships, and taking into consideration what he might justly term the general feeling of Ireland against it—he should not be doing his duty, either to that country or to their Lordships, if he were not to come forward at the present stage of the bill, and request their Lordships not to consent to its being read a second time. As he found in the preamble of the bill, the words " whereas it is necessary to make a provision for the poor of Ireland," to that principle, he must say, he was ready to give his assent; but he had consulted several other noble Lords on the subject, and some of high judicial authority, and they had informed him that they did not think it possible that, taking that principle into consideration and coupling it with the provisions of the present bill, he ought to give his consent to its being read a second time. With every desire to see unanimity prevail with respect to a provision for the destitute poor of Ireland, and with every desire to do his duty as a Member of their Lordships' House, and of the country to which this bill was to be applied, he did not see how he could possibly vote for it. It appeared to be formed after the model of the English measure; and he could not be brought to think, that the same principle with respect to a poor-law was applicable to Ireland as to this country. The bill was one which would fix a heavy imposition upon Ireland; and, with their Lordships' permission, he would read to them the opinion, with regard to this point, of a gentleman of great experience and knowledge of the subject—Sir Francis M'Naghten. That gentleman, in a letter to a friend of his, said:—

" You surely underrate the cost of the precious project in question when you estimate it at ten or fifteen per cent. If the bill do not provide for all the destitute it will do nothing; and if it provide for all ready made, and to be created by its own necessary operation, I do not think fifty per cent. will pay the charges. I should take more comfort from the impossibility of carring the law into practice, if I did not know that enormous sums will have been squandered and great injury in various ways have been effected before they are brought to acknowledge their error."

Again, there was another point to which he wished to call their Lordships' attention, which was the great expense connected with the establishments to carry into effect the objects of the bill, and from which it appeared that, as they intended to give no outdoor relief, all that expense would fall upon the landlords of Ireland in support of these establishments and not for the maintenance of the poor. It had been justly remarked by Mr. Sharman Crawford, that the bill would, at once, produce an irremediable evil in the cost of building and furnishing workhouses, that it would impose a tax on the industry and capital of the nation, and would certainly diminish its productive power and its resources. Mr. Sharman Crawford had also proved, that relief in workhouses, would be nearly twice as costly as outdoor relief. He asked their Lordships whether, after such strong assertions from experienced men, and such strong conviction on their part as to the impolicy of such a system as was embodied in this measure, they would persist in forcing it upon them, in opposition to their wishes and feelings regarding it? It had been said, too, that this bill would have the effect of checking the great emigration of Irish labourers into this country, but that was altogether a mistaken calculation, for every man in the least degree acquainted with Ireland must know that nothing could ever be found that would effect so desirable an object, unless it was the circumstance of the Irish being placed on an equality with Englishmen in regard to wages. According to the statement of Mr. Nicholls, on which this bill was founded, there were only 80,000 poor to be provided for in Ireland; whereas it was well known that there were upwards of 750,000 requiring relief in that country. Mr. M'Cullagh, the late assistant commissioner for Irish poor inquiry, said, in a pamphlet which he had written upon this subject:—

"Mr. Nicholls assumes (it is his own phrase, not mine) that the poor in Ireland are one in a hundred; whereas we fancied them to be one to four. One per cent. is his presumption; twenty-five per cent. was the result of our proof. One or two things Mr. Nicholls was bound to have done—either to impeach the fidelity of the evidence, or to disprove the inferences of the report of the commissioners. He has attempted to do neither, and both the facts and the deductions consequently remain unshaken. Yet her Majesty's Ministers, being of opinion that the guess, or *ipse dixit*, of any English subordinate in their pay, is more worthy of regard upon a question purely relative to Ireland, than the deliberate judgment of hundreds of unofficial and unconnected Irishmen, throw aside the latter without refutation or apology, and request the favour of Mr. George Nicholls's six weeks' experience in framing the most important measure that has occupied the attention of the Legislature for many years."

With respect to the workhouse system, an intelligent writer, under the signature of "Clericus," had observed:—

"One hundred workhouses are to be built at an expense (including the purchase of twelve acres of land to be attached to each, furniture, &c.), of at least 10,000*l.* each—total, say one million. This calculation, it will be observed, is for one hundred—the commissioners may erect as many as they think proper.

"In these workhouses, 100,000 persons are to be fed and clothed. To each of these establishments is to be attached a staff consisting of two or three chaplains, a medical attendant, a governor and his assistants, male and female. The expense of each inmate (including all charges, food, staff, collection, &c.), cannot possibly be less than 10*l.* per annum each—total, one million yearly. Let not the charge of 10*l.* each be considered high. That of paupers confined in the district lunatic asylum varies from 30*l.* to 15*l.*, averaging about 18*l.* yearly. In the asylum in Derry, the lowest charge, within a period of seven years, for each inmate is 16*l.* 18*s.* 11*d.*, in 1835.

"Suppose, as in the case of the district lunatic asylum, the Government to be repaid the expense of the erection of the workhouses by fourteen yearly payments, the annual charge for that period will be 71,428*l.* 11*s.* 5*d.*, making, with the cost of support, &c., a total, for fourteen years, of 1,071,428*l.* odd, per annum. After fourteen years, the annual payment may be considered one million at least.

"According to the reports of the Master in Chancery, the net receipts of the landed proprietors is less than six millions. This divided amongst the present population would not give 15*s.* a-year, or 3*d.* per week to each individual. Suppose the landed proprietor obliged to defray one-third (in all cases where the land is set at its full value, he must pay one-half), the tax on the net will amount to 6 per cent. for fourteen years, to 5½ for the remaining period; this to the mortgager is no trifling addition. To the occupier who pays none or a nominal rent, it will be a tax for fourteen years of 18 per cent and a permanent one of 15.

"The landed proprietor being by law obliged to defray the entire charge, where the tenant's rent does not exceed *5l.*, it will be his interest forthwith to dispossess all such tenants, or to raise their rents to a sum exceeding *5l.* It will evidently also be his aim to raise his rents, in every instance in which he can do so, to indemnify himself for the charge which he is called on to defray. Oppressed with incumbrances, it is natural he should endeavour to relieve himself from an additional burthen, which he is unable to sustain.

"Half-a-million having been deducted yearly, in the shape of a Poor-rate, from the capital out of which the occupiers paid the wages of labour, it is plain that either the rate of wages, already too low, must still further be depressed, or an immense reduction take place of the number at present employed. Thus, in the attempt to provide for the support of 100,000 destitute persons, it is calculated that 125,000, at least, will be rendered destitute; for half-a-million yearly expended in labour would give employment to 25,000 families, amounting at five each, to 125,000 persons.

"It is calculated that for a considerable portion of the year two millions of our population are, under existing circumstances, unable to support themselves. Suppose 100,000 of this number were supported in the workhouses, what is to become of the balance ?—'dig they cannot,' for their simple reply to him who asks, 'Why stand you idle ?' will be, 'no man hath hired us.' Beg they must not—the law prohibits it. In the workhouse there is no room; they are, therefore, consigned, by the tender mercies of the Legislature, to starvation."

It was impossible for him, then, to vote for the second reading of this Bill. The report of the commissioners on the subject was very voluminous, and contained no less than 1,200 cases, each of which was examined and the evidence given. Why the Government set aside that report, had never been explained; nor why they had given a preference to Mr. Nicholls's crude suggestions. He was aware, indeed, that her Majesty's Ministers had no settled principle of action; and that, urged on one hand by their Radical supporters, and on the other by the Conservatives, they were driven about from side to side. They got rid of their momentary embarrassments by delegating commissions to inquire, which, when it was convenient to them, they set aside with as much coolness and as little difficulty as they appointed them. A commission was, he understood, about to be issued respecting the profession to which he had the honour to belong. His noble Friend, the Duke of Wellington, was to be at the head of it; and if he could believe that the commission would be regulated by his noble Friend, and afterwards acted upon, he should hail the appointment with great pleasure. But how could their Lordships insure that, seeing how the Government had acted in reference to the commission which had been issued on the subject of the bill before their Lordships? If the noble Lord on the Woolsack would say, that in voting for the second reading of the bill he would not commit himself to sanction beyond that part of the preamble which stated, that "whereas it is necessary to provide for the relief of the poor in Ireland," then would he support the motion. He was proud to hear the noble Earl (Fitzwilliam) use expressions, in speaking of this subject that evening, which, while they did the noble Earl himself so much credit and honour, would be vividly remembered in Ireland, so long as there were grateful persons in that country. The noble Marquess concluded by moving, that the bill be read a second time that day six months.

Lord *Lyndhurst* addressed their Lordships nearly as follows:—I have listened, my Lords, with the utmost attention to the speech of the noble Viscount who moved the second reading of this bill; but, eloquent as was his appeal to your Lordships, nothing that has fallen from the noble Viscount, has tended, in the slightest degree, to alter the view which I originally entertained of this question. Undoubtedly it is my intention to vote for the second reading of the bill; but, at the same time that I declare my intention so to act, I beg leave to state most explicitly, that unless this bill be very essentially altered in its progress through your Lordships' House—unless it be made much less extensive in its operation than as it now stands, I certainly shall not, according to my present conviction, feel justified in voting for the third reading. The first question which naturally strikes one in a case of this kind, applying peculiarly to Ireland, is, what is the opinion entertained of this measure by the people of Ireland themselves? The measure is one which purports to be for the benefit of the people of that country, and such being its declared object, it is important in the highest degree, clearly and distinctly, to ascertain, in the first instance, what is thought of the project by those whom it is intended to affect. Now, upon this part of the case there has been scarcely any difference of opinion manifested. In the other House of Parliament only four petitions have been, as I am informed, presented in favour of the bill; while in this House petitions against it have been presented from the great majority of the Irish gentry, from the grand juries, I believe, of almost every county in Ireland, from county meetings held throughout the whole of that part of the united empire, and from all the great bodies existing there, while not one petition has been presented in its favour. It is true, that on a former night, a noble Marquess presented two petitions, which he stated to be in favour of the principle of the bill, or of that which he was pleased to call the principle; but when those petitions were read, it turned out that they were opposed, directly and distinctly opposed, to the measure which is now under your Lordships' consideration, praying that bills of a different and even of an opposite character, might pass your Lordships' House. I feel myself called on to enter into an examination of the bill in the shape which it now presents to your Lordships, in justification of what I stated, that if the bill do not assume a very different shape after it shall have passed through committee, I shall not feel myself justified in voting in its support. In addition to what I stated with respect to the petitions which have been presented upon this subject, to this and the other House of Parliament, allow me to call your Lordships' attention to a fact which has been referred to in the course of the present debate. I allude to the report of the commissioners—those able, enlightened, and intelligent individuals to whom the noble Viscount referred. What, let me ask, is the opinion expressed by those commissioners—not their hurried conclusion, but their mature conviction, after a lengthened and deep investigation, in which they industriously laboured to arrive at truth? Why, their opinion has been expressed in terms the most clear and precise, and expressed against the present measure. Why have I referred to this matter? For this obvious reason—that as this is a measure which professes to be intended exclusively for the benefit of Ireland, if it be resolved to force it on that country contrary to the feelings of her people, we ought to be certain that we are right in the course which we are pursuing beyond the possibility of a doubt. And what noble Lord, I ask, can bring himself to the certain conclusion that this measure is calculated to meet the wants of Ireland, and that it is free from those strong objections which are at present urged against it? My Lords, there is another consideration which should induce us to proceed with caution when we set ourselves up as judges, superior to the people of Ireland themselves, of what is best calculated to promote their real interests. We should beware of pressing our opinion too strongly, knowing so comparatively little, as we do, upon the subject, against those who, by long acquaintance with the peculiarities, habits, and resources of that country, must surely know with accuracy what is best calculated to promote her real welfare. My Lords, we should be cautious lest the people of that country may suppose that we are influenced in this matter by some sinister view for the advancement of British objects and British interests, and not by a sincere desire to legislate advantageously for Ireland herself. The noble Earl opposite (Fitzwilliam), who has spoken so eloquently upon this subject this evening, says with justice that this is an experiment. I have heard the same observation in other quarters; I have heard it said "Ireland must have a poor-law. Let her have the benefit of that experiment." I should not be unwilling to try the experiment, provided I could bring my mind to the conclusion that, if it fail, we can retrace our steps and return to precisely the same situation. But if to the prevailing distress be added the saddening disappointment of those hopes which we shall have taught them to entertain—if the minds of all persons possessing property in Ireland are to be agitated by the discussions on this subject, it is for your Lordships to consider whether the people of that country will be taught by such means to look with increased respect upon the acts of the British Legislature, and whether, on the contrary, the tendency of such legislation will not be to weaken those bonds of amity which should bind the two countries together. The noble Viscount opposite treats all these matters with comparative lightness. A great measure of public policy, which was brought in with the most pompous promises as to its happy results, failed some time since, and the noble Viscount was forced to admit its failure. The noble Viscount's answer was, that it had been a matter of speculation only, and that political, like private, speculations would sometimes fail. Such, my Lords, was the trivial observation in which the noble Viscount chose to indulge some days since, when there was a question of a measure of the greatest public importance that ever offered itself to the notice of a British Parliament. It unfortunately happens that upon these occasions the projectors escape with impunity; and the loss and the affliction fall upon those who are the victims of an erring and inconsiderate legislation. Some noble Lords have dwelt much in the course of their observations upon the principle of the bill. It is difficult, my Lords, to define the principle of a measure of this description; but I will attempt to define it according to my view. It is a bill for the relief of the destitute poor of Ireland without limitation. How is that to be effected? By establishing a number of workhouses throughout the country to receive them. How is this system to be worked out? By investing with absolute power three commissioners, one of whom only is to be resident in Dublin. My Lords, this is a new mode of legislation; whether it be a wise one or not, I leave to your Lordships' consideration; but it is one which may lead to the most inconvenient practical results. Look at the position in which we are placed. If the Legislature pass a bad law, it requires the assent of both Houses of Parliament to rescind it; no other power but a concurrence of both Houses can effect its abrogation. If the House of Commons pass a bad law, this House can reject it. If this House err in a similar way, it is in the power of the House of Commons to apply a similar remedy. Either House avails to reject a bad bill sent up by the other; but to rescind it, after it has passed into a law, requires a union of both Houses. This I take to be the constitutional view of the law upon this subject. To invest a certain number of individuals with an absolute authority to carry such measures into effect, however convenient that may be to the Government of the day, is in my opinion an unsound and indefensible system of legislation. Mark, my Lords, the extraordinary powers which are to be intrusted to these commissioners. In the first place, they have the power to pass these laws. I do not say that they have the power themselves alone; but they can do so with the assistance of the Government for the time being. Nothing can be more objectionable. They have the power of enacting laws for the undisputed government and control of the people in the various workhouses—for the unlimited control, too, of the guardians—and for the entire management, in short, of everything connected with the workhouses which it is proposed to establish; and, finally, they are empowered to pass such laws as they may think expedient, and for what purpose? Why, to carry this bill into effect. There is to be no limit whatever to their authority; and to carry the measure into operation is the sole object proposed. Need I take another step, my Lords, to prove that unless the bill be materially altered in committee, I cannot vote for its third reading? These commissioners are authorized by the bill to appoint as many officers as they may think proper, with such salaries as they may think proper, to carry this measure into effect in the mode which they may think proper. Was ever such a monstrous series of provisions introduced into any previous measure? When the bill for the regulation of the constabulary came up to your Lordships' House, many officers were named, and a great array of force was contemplated. It was considered, however, that these appointments were proposed in a proper shape, and the regulation of all the appointments in question formed the subject of much investigation and serious deliberation upon the part of your Lordships. But how different is the case here. Three commissioners, in conjunction with the Lords of the Treasury, can select and appoint all the subordinate officers as they please, to be paid, too, exactly such amount as they please. It is worthy of consideration that this plan is proposed to be brought into operation, not in England, but in Ireland, in a country which no Irish Member will, I trust, be affronted by my characterizing as the land of jobs. What security will these commissioners have that they will be enabled to retain the exercise of their powers, unless they render themselves subservient to the existing powers intrusted with the functions of the Government? A little further on in the Act these commissioners are authorized to divide Ireland into as many unions as they think proper, to purchase ground and build at any expense they think proper, to raise workhouses in any district they think proper, of any size they think proper, and to be occupied by any number of paupers they think proper, for the maintenance of the destitute poor. But, my Lords, this is not all. There are to be as many guardians as they think proper—selected as they think proper—qualified as they think proper. This is a correct description of the bill; but who can understand the aims of those who framed it, or the results by which it may be attended? This much we know, that there are a certain number of persons to be appointed, to do anything which they may think proper; but how are we to judge in what manner these great—these unparalleled powers, shall be exercised? How are we to satisfy ourselves as to the actual mode in which the bill will be carried into operation? Why, my Lords, it is exactly like a bill brought up with "blanks!" workhouses, "blank;" officers, "blank;" salaries, "blank." Upon former occasions, when such bills were presented to the House, the blanks were required to be filled up before the passing of the bill, but here an altogether novel course is pursued. Is this such a bill as can be decently submitted to the notice of a legislative assembly? We have no means of ascertaining whether there is to be any limitation in the exercise of these unbounded powers by the commissioners; we are not informed beforehand of the number of subaltern officers whom it is proposed to appoint. But we are asked to delegate an absolute authority without having it in our power to subject its exercise to any control. And now, my Lords, to come to that which, upon all occasions like this, is the most material consideration—how is all this to be paid for? Why, by a tax to be imposed by the authority of the commissioners. Examine this bill, my Lords, and see what you are doing. You are giving to three English commissioners, sitting at Somerset-house, with a kind of branch commissioner resident in Dublin, all these unlimited powers, to be exercised over the Irish people. And this is the measure which has proceeded from a reformed House of Commons! My Lords, I have the greatest respect for that House, but I will nevertheless attentively inquire into the nature of the measures which they send to us for our approval; and if I am satisfied that they have not exercised a sound discretion in any one of the measures so sent up, I will reject it. I have been charged, my Lords, with speaking contumeliously of the people of Ireland, and with having characterized them as "aliens;" but every individual who attended to what I said upon that occasion, and did not suffer himself to be deafened by the clamour which was then raised, or blinded by false construction, knows that there never was a more miserable perversion of a man's meaning than that which was put forth upon that occasion by my calumniators. But suppose that false imputation to have been well-founded, what comparison does the insult of that expression—what comparison, I ask, does it bear with the affront which has been offered to the people of Ireland by her Majesty's Ministers, when they framed this bill, and gave to three individuals, two of them totally unconnected with Ireland, an unlimited power to treat her as an alien country—as a conquered province? Let us imagine the tables turned, and three Irish gentlemen sitting in Dublin invested with unlimited power over the whole of the landed property of England, with unbounded powers of taxation. What would be the feeling excited in England upon such an occasion? And do you imagine, my Lords, that Ireland does not think in the same manner? Do you imagine that her feelings are less acute, less sensitive of insult, than ours? But, to enter a little further into detail, you are told, my Lords, that this is, with some slight modification, the same as the English Poor-law Bill, as amended; but, as the noble Marquess who last addressed your Lordships has well observed, it does not follow, because that measure succeeded in England, that it should therefore succeed in Ireland. Between England and Ireland there is a marked and obvious difference in the moral, social, political, and financial characters of the countries. Not only are they different in these points, but they are distinctly the opposites of each other. It is, therefore, necessary for noble Lords to go something further, and give us a distinct reason to show us why it will work well in Ireland. But, after all, the Poor-law Amendment Act is nothing more than an experiment in England; and this, my Lords, is the first time that I have heard of that which is merely an experiment in one country being adopted as a model in another. Why, it is not applied even in a considerable portion of England. The commissioners have not dared to apply it in all cases even in England; and this is what they seek to make universal in Ireland. You find it necessary to relax your rules with respect to outdoor relief; and yet this is what you take as a model. But the English bill is totally dissimilar, except in some of the outworks, in some portions of the machinery. In England, you allow of a settlement; in Ireland, you dispense with it. In England, you have both out-door and in-door relief; in Ireland, you have in-door relief only. In England you suppress mendicancy and vagrancy, while you allow it in Ireland, because you cannot put an end to it. These were not mere differences of form. Again, the Poor-law Amendment Bill was introduced to amend the errors of a former act. Why should this patchwork have been chosen for a model? What impotent legislation! According to the system established by the English bill, a species of discipline is established in the workhouses, which will make the able-bodied labourer prefer to earn his bread by the sweat of his brow, rather than endure a workhouse subsistence. In that respect the bill works well; and the test which is applied is a good one enough. But on what assumption do you proceed? On the assumption that men who are willing to labour can obtain work. Otherwise it is no test at all. But what is the case in Ireland? Surely, it cannot be alleged that unwillingness to work is the prevailing fault of the destitute in that country. You find a man, with a wife and children, resident in the West of Ireland. He travels on foot a distance of 600 miles to obtain work, and returns the same distance of 600 miles with the few pounds that he has been enabled to save, living all the time of his residence in this country in the most parsimonious manner, suffering the greatest privations, in order that he may be enabled to carry home as much of his wages as possible. The cause of a large proportion of the prevalent destitution in Ireland was not that the people were unwilling to work, but that work there was none for them. It is quite obvious that your provision for the destitute poor in Ireland must be so extensive as to render the application of this measure totally impossible. Mr. Nichols has been mentioned in the course of this debate; and it was upon his report that the bill of last session was framed. But in that report there was a fundamental error, which was not discovered, however, until the bill was presented to the House; and the bill was not altered in consequence of the error which was so discovered. Mr. Nichols said in his report, that it would be sufficient to accommodate 80,000 persons in the workhouses in Ireland. He took an average of the workhouse provision in four English counties, and he found the result to be one per cent. of the population; and concluding that the same per centage would do for Ireland, he arrived at the conclusion that 80,000 should be the number provided for. It was afterwards discovered, however, that one per cent. was the amount of in-door relief alone in England, and that there were six to one who received out-door relief. The proper average, proceeded the noble Lord, should, therefore, have been seven per cent. As, therefore, the bill for Ireland did not provide out-door relief, if they relieve to the same extent as in England, they must make provision for 560,000 persons. Their Lordships had had it on the authority of Mr. Cornwall Lewis, that there should be relief provided for 800,000 persons in Ireland, if they were to apply such relief as a remedy for the mendicancy and destitution which exist there. Let them take that alone as the extent of the destitution, and it would be found that they would have to provide an annual charge of 2,000,000*l.* to relieve the pauperism of Ireland, and that would amount to one-third of the rental of that country. But let him ask how was that to be paid? He would suppose a gentleman resident in Ireland with an income, a nominal income, of 10,000*l.* a-year—let him suppose, and the supposition did not involve any great improbability, that it was charged with debts, not of the present but of the previous possessor, that it was also charged with dowers, annuities, provisions for younger children, and so on. Now, let him ask, could a man whose estate of 10,000*l.* a-year was so encumbered contribute one-third of its nominal amount to this system? Why, 2*s.* in the pound on his rental would swallow up the whole actual amount of his income. But there was another view of the subject; 5,000,000*l.* were said to be the amount of the poor-rate of England. Take the half of that sum to apply to Ireland, and that would not be saying too much, considering the better management which existed in England; but he would go further. The noble Viscount had bestowed great praise on the wisdom, the industry, and the patience of the Irish poor-law commissioners in pursuing their investigations; but what had those commissioners said? Why, that besides those who were so destitute as to become objects of relief under the bill, there were in Ireland not less than 2,300,000 persons living on potatoes and weeds. Would not a large portion of these be thrown on the landholder, besides the amount for which he was to be directly taxed, which he had shown would be to the one-third of his income? But then, it was said that the commissioners and the guardians were to be invested with a discretion as to the amount of relief they should give; grant it, and that only a small portion of the applicants were to get the relief claimed. These, of course, would be the inmates of the workhouse. All those who were out of it, and who belonged to the class to which he had alluded, would be in the same state of beggary and destitution as before. Thus, then, would the condition of the vast majority of the Irish poor be in no one respect improved. Under such a state of things, what, let him ask, would be the condition of the poor farmer? His small rent of *5l.* a-year would be taxed. He would be rated, but the general state of mendicancy around him would be little changed. He would be beset by nearly the same number of applicants for relief. Could he refuse to give it? Would he be disposed to risk that too common incentive to charity in Ireland—the beggar's curse? He would thus be taxed in a double manner. But what, let him ask, would be the situation of the guardians? If they were to exercise the discretion intrusted to them, and from a fear of coming too heavily on the rate-payers, were to refuse the applications of many whom they knew to be destitute, what would be their situation? They were gentlemen residing in the vicinity of this destitute population. Would they be willing to shut the door against those poor applicants? No doubt they would be unwilling to do so, and the consequence would be that few gentlemen would be willing to accept the office of guardians, because they must know that if they relieved some and refused others, it would give rise to jealousies and heartburnings, and instances would not be wanting in which it would be said, that the preference to some above others arose from their religion; and then would come the not unreasonable dread of the vengeance of the party refused. He was not singular in this opinion, for the Government, under whose sanction and approval this bill was drawn up, seemed to be of opinion that in many instances gentlemen would not be found to act as guardians, and provision was, therefore, made in the bill for the appointment of paid officers in cases where guardians refused to act. Thus they would come to an entirely paid management. They would have paid commissioners and paid officers, and lastly, paid guardians, depending on the will of the paid commissioners, who were to be dependent on the will of the Government of the day. Then again let him call the attention of their Lordships to those workhouses which were to be spread over Ireland—those places of refuge as they were called. He would put it to those noble Lords or Gentlemen who were best acquainted with Ireland, and who best knew what the people of that country felt and thought, and ask them whether they believed that the people of Ireland would consider those workhouses as places of refuge? Would they not rather consider them as so many prisons prepared for them by their Saxon oppressors, as they were taught to consider the inhabitants of this country? What had been said by the great master of agitation on this subject? That if the ingredient of agitation were thrown in amidst the provisions of this bill, the whole would be soon in a blaze. If, then, the public mind in Ireland were to be agitated on this subject and against the bill, the whole would be soon blown up. Amongst an irregular and disorderly population, such as unfortunately was too often seen in Ireland, and as would be seen more irregular and more disorderly under the influence of agitation, the whole machinery of this bill would soon be blown away. In England there was a counteracting power against such influence. Here we had the Houses of Parliament—we had a resident landed proprietary, an extensive andactive magistracy—but in Ireland they had not those checks to the same extent, and the result was, that the whole of this system of poor-law relief might be soon put an end to. Then it might be asked, what, under these circumstances, would he propose? He would propose a more limited scheme of relief. He would not omit from his consideration what had been left out of sight in this experiment—he meant the case of Scotland, where there was a rate imposed by the people on themselves for the relief of the aged, the lame, blind, and impotent. There should also be, in his opinion, some means of giving employment to the able-bodied, and also some well-regulated system of colonization. He owned, however, that he did not expect any sound or comprehensive plan of this kind from the Government of the noble Viscount—a Government which was living, he might say, from hand to mouth—which was so much occupied in looking from to-day to the casual incident which might turn up in its favour to-morrow, that it had no time to give proper attention to such matters. In conclusion, he would say, that he would support the motion for the second reading of the bill, in the hope, that in the committee it might be brought into such a shape as would entitle it to further support.

The Earl of *Radnor* expressed his surprise at the course taken by the noble and learned Lord, who had approved of no part of the bill, and yet gave his support to its second reading. The noble Duke (Wellington) had stated his approval of the principle of the bill, but was opposed to many of its details, which he hoped might be cured in a future stage; but the noble and learned Lord approved of neither the principle nor the details of the bill; and yet he also declared, that he would vote for the second reading. The noble and learned Lord said it was sometimes wise to take a lesson from an enemy. The noble and learned Lord had taken a lesson from the great agitator. He would vote for the second reading, although he expected no good from the wretched ministry from whom the bill proceeded. He would vote for the second reading, in order to prevent the bill from doing any good, as far as possible. It was to him somewhat surprising, that, in all the discussions which had taken place on this subject, it never seemed to have occurred to any one to take into the account the money which was at present expended in the relief of the poor in Ireland. The measure had been argued as if those who were to be relieved by it would come for relief for the first time. The same persons were relieved now, although not by law. It appeared by the statement of the commissioners of poor-law inquiry in Ireland, that the number of male paupers in Ireland was 585,000, each having on the average three human beings dependent on him, making a total of 2,385,000. They depended for relief on mendicancy. It was said, that this was so for thirty weeks of the year. Now, if each of these obtained one penny a-day by mendicancy, it would amount to 2,000,000*l.* He had seen this in the appendix to the report of the poor-law commissioners, and if it were wrong, let the whole fall to the ground. It would, however, be admitted, that the sums given in relief to mendicants in Ireland by casual charity amounted to at least 1,500,000*l.*, and all this came out of the pockets of the poor, and not from the pockets of the rich.

Lord *Lyndhurst*, in explanation, said, that the principle of the bill was one to afford relief to the poor in Ireland. To that principle he did not object, but his objection was, that the principle was not worked out in the details of the bill.

The Marquess of *Clanricarde* said, that he objected to the principle of the bill, because he believed, that it would fail of affording that relief which it purported to give, and, therefore, he would oppose the second reading. They might have 80,000 or 100,000 persons in workhouses in different parts of Ireland, but the extent of the mendicity out of doors would be scarcely lessened by it. He would not attempt to add anything to, for he was sure he should only weaken, the excellent arguments of the noble and learned Lord by so doing; but he must express his surprise at the fact, that no attempt had been made on the part of the Government or of the supporters of the bill to answer the able and temperate speech of the noble and learned Lord. He should like to hear the history of this bill. It was not a new plan; nor now for the first time propounded to Parliament. It had been under consideration under the Government of the noble Duke; also under that of the Government of Earl Grey; and their Lordships had then heard of plans for the employment of the able-bodied poor in Ireland. It was admitted on all hands, that the great evil felt in Ireland was the want of employment by those who were able and willing to work. In 1836 a question was put to Lord Morpeth on the subject, and it was asked what the Government intended to do. The noble Lord replied, that in the then next year a poor-law bill for Ireland would be brought in. But he believed, that at that time no plan of any such measure had been agreed upon. It was, therefore, to say the least of it, injudicious to announce a measure before any well-digested plan of it had been settled. Nor could the noble Lord have had any knowledge of any digested plan having been in the hands of Ministers. But what he very much desired to have explained was, how it was, that the workhouse system was to be applied at once and without any gradual steps being taken preparatory to its introduction, for that the workhouses were to be established at once was clear from the appointment of Mr. Nicholls, since, if it had been wished to find whether workhouses were generally applicable to Ireland, Mr. Nicholls ought to have spent six weeks in visiting the workhouses at home, and making himself familiar with the practical working of the system in England. The six weeks ought to have been spent in this country not in Ireland. For would any man pretend to say, that Ireland could be studied in six weeks? But Mr. Nicholls had been sent again last year at the same time of the year—at a time of the year when Ireland was seen to the greatest advantage, and when it was difficult to find the least approach to destitution in many parts of the country. It was just at the time of the year when the labourers who had been over in this country had just come back with the money which they had earned; and that was precisely the time of the year when it was least possible to see anything like destitution in the country. But he could not refrain from remarking on the second report of Mr. Nicholls, and more especially on the circumstance that he gave, in an appendix, no less than fifteen authorities for his statements and conclusions, of which only two, Mr. Richards and the Mayor of Waterford, were Irishmen; all his other authorities, strange to say, were Englishmen. He thought it was remarkable, too, that Mr. Nicholls put into a memorandum some of the most important points of his report, and he must say, that every one who wished to determine for himself what would be the operation of the bill, ought to consider the memorandum of Mr. Nicholls in connexion with the accounts of the amount of destitution at present existing in Ireland. That statement amounted to saying, that the destitution of Ireland was to be relieved by the proposed Poor Relief Bill, and that the system of workhouses was to be carried out in order to effect that relief. He felt great objections to this part of the bill on the ground of the enormous expense which it entailed, and of which the noble and learned Lord had fully shown how deeply burdensome a charge it would be on the rental of the country. But Mr. Nicholls had also quoted a long letter from Mr. Stanley, a very able writer, but one who, unluckily, had written before; and he was at some loss to know why Mr. Nicholls did not take Mr. Stanley's former letter—why he did not apply to some large landed proprietor who might be expected to have practical information on the subject. But Mr. Nicholls had told them that he had taken Mr. Stanley's authority and referred to him because of his acquaintance with statistics. He was quite ready to admit Mr. Stanley's merits; he had gained the prizes for the best essay on a poor-law for Ireland, which had been given by a noble Lord, a Member of their Lordships' House (Lord Cloncurry). But it must be considered, that the man who writes for a prize writes to please the judge who has to award that prize. It was so at Oxford and Cambridge, wherever prizes were written for. However, he found, that Mr. Stanley in an essay of his described the indigence existing in Dublin to be beyond all parallel. In 1830 no fewer than 9,822 families were relieved. The Mendicity Institution alone had relieved about 2,000 families. Yet Mr. Nicholls set down 5,646 as the total amount of destitute poor in Dublin throughout the year; whereas in a former year, more than that number were relieved in one year by a single society. And yet Mr. Nicholls said, that from this we might form a calculation of the amount of destitution for the whole of Ireland. It was a curious question to consider how he came at the number of 82,806 as the total amount of the destitute poor in Ireland, so near as that number was to 80,000, the supposed amount. This was close calculation He must say, he looked to hear why this assumption of 80, 000 had been preferred to the account of the Poor Law Commissioners. They gave the regular census and told you what was founded on facts, They did not assume, but calculated, and that from unquestionable data. But now with respect to the bill itself, his first and principal objection to it was, that it would do no good to the poor. Neither the noble Lord now at the head of the Government of Ireland, nor any Lord-Lieutenant of that country, could carry out the bill if it were to be enacted as it then stood. The bill, and he was very glad to hear the noble and learned Lord call attention to its operation in this respect, gave a completely despotic power to the Government throughout Ireland. But to carry it into effect would be found impossible, the thing could not be done. The bill could not be carried out. There was another very important part of the subject: the bill established an unlimited power of taxation throughout Ireland. He was surprised, that with its present enactments on this head, the bill had passed the House of Commons; but he was very sure that it would not pass their Lordships' House in that shape. Then, again, he had the most serious objections to the appointment of so many paid guardians. What was the state of that country? They had a police force with officers, men trained in every respect so as to constitute, in fact, a standing army; they had besides a police stipendiary magistracy, who were sent to every part of the country, and he was very sorry to add, but it was what was well known to many noble Lords, that they were gradually and by degrees superseding the resident gentry. In this state of things, where was the propriety of speaking of the benefits of the British Constitution as applied to Ireland? With reference to this system of paid officers, the question to be asked was, what would be the interest of men so sent down? He did not say, that the men would consult their interests to the public loss, but they must look to what men are. In fact, he was convinced, that the machinery of this bill would in no degree tend to knit together the upper, middle, and lower classes in the way in which it was so desirable for the peace and prosperity of Ireland that they should be united. He must say, therefore, that he could not vote for the second reading of the bill, impressed as he was with the conviction that it would be inoperative of good to the poor, and he should vote against it, although no man had more desire than himself to see a poor-law established in Ireland, and he yet hoped to see a bill passed for that object; but how the bill before them was to be metamorphosed into a good bill he confessed he did not see.

The Earl of *Limerick*, was understood to express his unqualified opposition to the bill.

The Earl of *Devon* had hoped, that this debate would pass over without any manifestations of acrimonious feeling; and he even then did not despair, notwithstanding the little excitement which had been produced by the speech of the noble and learned Lord near him (Lord Lyndhurst), that they should be able to carry on the discussion in a calm and moderate spirit, while they attempted to effect what he was sure they all had in view—the enactment of such a measure as would effectually relieve the destitution of the poor in Ireland. Now, in looking for the means of remedy, they ought first, as it appeared to him, to look to the nature of the evil itself to which they were called upon to offer a remedy; and upon looking to the condition of Ireland with this view, he observed that there was in that country a very large class of poor who were unable to maintain themselves, because they were unable to obtain employment. He had a right to assume, that a very general desire existed to introduce a poor-law into Ireland—that was to say, to introduce, instead of the eleemosynary method of relieving destitution now existent there, a compulsory mode, which might partake of somewhat more of equality in the mode of imposing its burdens than the present system. And the question which they had now to grapple with was, whether they could frame such a measure as would apportion the burden of supporting the destitute poor of Ireland more equally than at present. The first object, therefore, that they ought to have in view was, that some means should be afforded by which they might be enabled to ascertain who were persons really deserving of support, and to distinguish them from those who might apply without any real grounds for their application. With respect to the workhouse system, he must say, he thought that it was very absurd, that because the system was established in England, they should be called upon to apply it to Ireland, where the circumstances of the people were wholly different. But still they came back to the question, how to distinguish who were the really destitute.

No other test could be applied which would work with accuracy and efficiency equal to the workhouse system. He looked upon this bill as being likely to act as a stimulus to all classes of society in Ireland in diffusing employment, and extending the market for labour. The noble Duke had said, that it would have the effect of inciting the great landowners to procure employment for their labourers, but he did not think that they stood in need of that incitement. It would, however, unquestionably operate as an encouragement to all classes to provide employment. When the people were taxed for the support of paupers in idleness, they would exert themselves in every possible way to find employment for them, and thus rid themselves of the expense. He should be very sorry if he thought this bill the only one likely to be brought forward to afford relief to Ireland, but he was confident that every bill for that purpose would operate with tenfold advantage, if a bill like the present were first passed. He was extremely desirous of seeing public works on a large scale commenced throughout Ireland by Government, in order to afford employment to the people; and he was convinced the present bill would much increase the benefit that might be expected from such a plan. Even if he looked at the question as one to be determined by a consideration of pounds, shillings, and pence, he should still feel disposed to vote for the measure, for he was quite convinced, that every penny he was called upon to pay would be repaid in the improvement produced. The bill, if carried into effect with reasonable caution and prudence, would greatly improve the condition of the agricultural population of the country. One good effect he anticipated from the bill was, that it would bring the labouring classes into closer contact with those under whom they immediately derived support, and also with the landlords. He had never heard that any other bill was proposed at all calculated to remedy the evils under which Ireland now laboured; and he was sure that it would produce the greatest advantages, if not thwarted by those persons who were determined that it should not succeed.

Lord *Hatherton* vindicated the conduct of Government in altering the plan proposed by the Poor-law Commissioners for Ireland, according to the recommendations of Mr. Nicholls. On the score of economy there could be no comparison between the plan recommended by the Commission and that adopted by the Government. The system of emigration recommended by the commissioners would be much more expensive than the workhouse system adopted by Government. With respect to the applicability of the workhouse system as a test of destitution in Ireland, he had not the slightest doubt, from the experience he had had of the Irish character, that it would be found a safer and infinitely more effectual test in that country than in England. The evidence of many governors of workhouses in Manchester, Liverpool, and other towns to which the Irish resort, had been taken as to whether the Irish were as much disposed to enter the workhouse as the English. The answer invariably was, that they were not nearly so much so, and that they were anxious to stay as short a time as possible in it. He wished the inhabitants of Ireland had had as much opportunity as those of England of witnessing the immense advantages, the inestimable blessings, conferred on this country by the improved system of the administration of the poor-laws which it was now proposed to introduce into Ireland. The immense advantages, he repeated, as regarded property, the inestimable blessings as regarded the comforts and moral character of the people. He appealed to the noble Lords who had had opportunities of witnessing the mode in which the law was carried into effect, whether the aged had not received an increase of comfort, whether the attendance on the sick were not better, whether the education of the children was not superior, under the new system. Now, these advantages would necessarily be transferred to Ireland if the measure before them were carried. They belonged to the English system, and were a matter of regulation. Another and a greater advantage would result from the organization of these Unions throughout Ireland. Every man that was versed in the affairs of that country knew that nothing was so much wanted in Ireland as a body of local authorities. We had them in England to perfection. Our local system of magistrates, guardians, overseers, churchwardens, and constables, was attended with the best effects. All this was wanting in Ireland; but if this bill were passed, schools to train men to these duties would be formed, under which this defect would be supplied. It was said to be a great object to exclude the able-bodied from the operation of this measure. Now, thus much he would say, that if, with all the appalling mass of misery existing in Ireland staring them in the face, their Lordships should talk of legislating for the poor of Ireland, and should exclude from their legislation all notice of the able-bodied paupers, to provide for whom the House of Commons had decided by a majority of 234 to 59, they would not leave upon the country a favourable impression on their behalf. He contended, that along with this bill, a law of vagrancy should be introduced. He also insisted, that without a clause of settlement, it would be a matter of exceeding difficulty to work out the details of this bill. Unless some clause of that kind were added to the measure, it would operate as a great discouragement to all sorts of local improvement in Ireland. He observed, in the first report of Mr. Nicholls, a proposition which was strongly in favour of his motion, that a clause of settlement ought to be an accompaniment of this bill. That proposition was, that each district should bear the burden of its own poor. The only weak point in Mr. Nicholls's second report was that in which he referred to, and attempted to refute that, proposition. Without a settlement clause, the bill must be put in force simultaneously throughout the whole of Ireland; for to put it in force in Dublin, and not to put it in force in Kildare, would be to throw upon Dublin all the poor of Kildare, and so, *vice versa*, if it were not in force in Dublin but were in force in Kildare. With a settlement clause, however, you could bring the law gradually into operation, and might be five, or ten, or fifteen years in adopting it, as the case might be, and that certainly would be an advantage. The supporters of the bill had been told, that not a single petition had been presented in its favour. He attributed little weight to that circumstance. Was it likely that any part of that population of 3,380,000 persons, for whose benefit the bill was intended, would petition for its passing? All above them were rate-payers, and were actually interested in the bill's not passing. But was he to be told, that those 3,380,000 persons were unwilling to receive support from a compulsory rate? Was he to be told, that those immediately above them, who were charitably disposed to assist their more unfortunate countrymen, would be unwilling to have that duty cast upon their richer neighbours? But it was likewise said, that no constituency had been canvassed in support of this bill. It was a new mode of canvassing, to ask an elector for his support to a new tax.

> "Was ever voter in such humour woo'd?
> Was ever voter in such humour won?"

After again repeating, that he attributed little weight to this objection, the noble Lord declared, that he felt bound to give his support to this bill, for the reasons which he had already stated.

Lord *Brougham* felt, that he owed an apology to their Lordships for rising at all to address himself to this most important question, at so late a period in the debate, but he felt he owed a still greater apology for rising to address himself to a question of Irish legislation with which he had no manner of connexion, and respecting whose affairs his knowledge must of necessity be peculiarly little, when he knew that there were among their Lordships so many intimately connected with that part of the country by property, by blood, by residence occasionally there, and others who, intimately connected with this measure—he alluded particularly to certain Members of her Majesty's Government, who were the parents, or at least the adopted parents of this bill, and who observed an unbroken silence during the whole of that debate on that most important and peculiarly Irish question—he had waited with anxiety till they should come forth, till they should stand forward, and occupy that which was not his place. He had waited hitherto in vain, and was left to guess, if he could, by divination, the cause of their ominous silence. It could not be, that they had misgivings of the merits of the question. That was impossible. It was a Government measure. It could not be, that they had no demand for their services, for an assault had been made on the Government measure, so powerful, that until he heard it defended, and successfully defended, against that attack, whatever might be his inclination, he was bound to give his vote against this measure proceeding further. Was it that the speech of his noble and learned Friend (Lord Lyndhurst) required no answer? Oh, but three different supporters of the Government did come forward. There was, first, a noble Friend of his, as utterly unconnected with the Government, and the measure, as he was with Ireland. He essayed to answer his noble and learned Friend; but failure more signal, more lamentable defeat, he never saw sustained in any conflict, in or out of Parliament. He first objected to his noble and learned Friend—a ground of opposition which was taken with equal success by his noble friend who followed—because his course was somewhat factious, not sufficiently calm; and then, in the very next breath, how did he prove this factiousness? Why, by stating that his noble and learned Friend argued against the bill though he did not intend to oppose its second reading! Now, a more candid, a more impartial, and a less factious course he never heard of since he became a debater in either House of Parliament. But was there inconsistency in straining a point, not to throw out this measure? No such thing. His noble and learned Friend was not against all relief to the poor, the impotent, the infirm, the aged, and the deserted; but the point between him and the Government measure, and the main point was, should the relief be limited or extended like that accursed law of Elizabeth, which had ruined the character of the peasantry of this country, and from the effects of which we were now emerging, and able-bodied labourers be thereby converted into unwilling workmen, though able to work. He could see no inconsistency in his noble and learned Friend giving his vote for the second reading. At the same time his arguments went so far against the whole frame and structure of his measure, that he really thought he should be trifling with the bill, with their Lordships, with the subject, and with the country, if he did not at once say that until he heard it defended far otherwise than he heard it as yet even attempted to be defended he could see no practical good whatever in going into Committee to discuss its details. Then, what was the next answer? Why, it was said, in reply to the financial statement of his noble and learned Friend, "You have no right to talk of the expense of this bill, for there is already a very large sum levied for the support of the poor in Ireland; a sum which amounts to at least a million or a million and a half sterling." Now, was the noble Lord opposite simple enough to believe, that that million, or, if he liked it better, that that million and a half, was at all come-at-able in the shape of hard sterling money? Because one poor body, going first into one cottage and then into another, received assistance in each from the disposition of their inmates to divide their little crust with their destitute neighbours who were only one degree poorer than themselves—because they gave one day a fraction of a potatoe, and another day a fraction of common salt, the only seasoning which they had to relish their very simple but not very wholesome food,—because they were accustomed to be so supported, and so to support one another, when their own crops were not yet come in, did any man suppose that it would be able to raise among them, in hard cash, the sum of 1,000,000*l.* sterling? Any man who had conversed with another who had ever been either a traveller or a resident in Ireland, must look upon such a notion as one of the most chimerical that had ever entered into the most bewildered imagination. If this bill were passed into law, these poor but charitable individuals may waste, or even may eat, more potatoes than they do at present; but as to their paying the value of them in any, even the smallest coin of the realm, it was one of the most wild, and baseless, and chimerical notions that had ever entered into the brain of man to conceive, or that he had ever attempted by his tongue to express. But their Lordships would not, and, indeed, their Lordships could not, suppress mendicancy by a bill of this description. No law, unless they introduced a species of inquisition throughout the country, would ever be able to prevent that species of vagrancy, which was so congenial to the migratory habits of the Irish people, and which was almost rendered necessary to them by their constant efforts to obtain a better market for their labour. This bill would have no other effect upon the great bulk of Irish proprietors than to impose upon them a new tax in the shape of poor-rates, and to compel them to continue the same hospitality which they practised at present. Then came the noble Lord who had vouchsafed to give the third answer to the opponents of this bill—an answer which Government conceived itself excused from the necessity of making. That noble Earl, whose authority with him was great —whose sincerity could not be doubted— whose integrity and uprightness added weight to every word he uttered—"*tunc vir laudatur, quando oratione probatur,*"—

that noble Earl he should be flattering most grossly were he to say, that the noble Earl had succeeded in giving that answer in which his noble Friend behind him had so signally and lamentably failed. His noble Friend had talked of faction, and yet what was it that he had himself said? He had told their Lordships that he had no liking for this measure considering the quarter from which it came—a declaration which he conceived would not be very much relished in "the quarter," for which it was intended. Well, his noble Friend could not defend this measure, of which he professed that he highly approved, without apologising for doing so, considering that it came from so odious and despicable a quarter. He did not think that his noble Friend had said anything so odious and disagreeable as that; but it was quite clear that he had some such meaning floating in his mind. Then came his noble Friend behind him (Lord Hatherton) making the third objection to the observation of his noble and learned Friend. His noble Friend had begun with the pompous ostentation of the "*multa et præclara minantis*" to sneer at his noble and learned Friend for not confining himself to the question before the House; and yet what had been the course pursued by his noble Friend himself? For a considerable time his noble Friend had done nothing else but discuss a bill which had not been, and never would be, before the House, which was the abortive offspring of the first Commission, abandoned by the Government and deserted by Mr. Nicholls himself. So that, according to his noble Friend's parliamentary tactics and logic, it was quite wrong to go into details on the second reading of this bill, which raised the question of principle, but it was perfectly right, proper, consistent and convenient to leave the measure quite on one side, and to take up and go into another measure in all its principle and with all its details. Again, his noble Friend had said, that Mr. Nicholls was cried down, and attacked or defended, and praised just as it served the turn of certain parties. Now, his noble Friend was wrong in both assertions, for nobody said one word against the first report of the commissioners until his noble Friend made it the subject of a most notable episode. This gentleman, who was called sometimes by the singular appellative of Nicholl, and at other times by the plural one of Nicholls, was a most respectable and worthy man, but he was only one individual, and in that respect, therefore, the slightest difference to be perceived in the number of persons in the Commission, which was said to be occasionally lauded and cried down, but which was a body possessing exactly the same kind of knowledge of which Mr. Nicholls was the beginning, middle, and end, he going to Ireland both times without any colleagues whatever. He must, therefore, say, that no answer whatever was given by those before whom his noble and learned Friend might quail in the modesty of his nature, but from whom he had no more right to feel the slightest apprehension than from the attack of one single Member of the Cabinet. No answer having been given to the able and, until answered, the decisive and conclusive speech of his noble Friend, which was not confined to the details, but which dealt in a masterly manner with the principles of the measure, he now came to state his own opinions. He rejoiced that he had an opportunity of doing so; for he was very near being deprived of it. He was told that it signified not whether or not he were present, that he might attend at a subsequent stage, and that the question of principle might as well be then discussed as on the second reading. Nothing was more absurd (he spoke it with all respect) nothing was more ridiculous, than such an answer to the objection, if there was any force in the objection, and he thought there was very little, in the absence of any Member. To tell a person that he should come with as much advantage to the discussion in the committee, or on the third reading, after the principle of the measure should have been voted on full discussion, was a ridiculous confounding of two entirely separate things which ought always to be kept apart. The confusion was this: it was evident to half an eye: if the second reading were allowed to pass *sub silentio*, then one might fairly be thought to have full power to discuss the measure at a subsequent stage; but if it were said, that he could do so after a debate leading to a decision, without being prejudiced, all reason and common sense laughed at the supposition, and all parliamentary experience in both Houses refuted it. He had asked for an indulgence, not on account of his own illness, but on account of that of a very near and dear relative, on whom he was attending. His request was at once rejected. It was, perhaps, a very presumptuous thing in any individual to expect such a favour, but the fact was, it happened from accidental circumstances that he had taken an active part, inasmuch that he had brought in and proposed the English Poor-law Bill in that House, when it was the duty of the noble Viscount to have done so; and that, subsequently, when out of office in this very Session, he had taken a prominent part in the debates, and defended the appointments made under the bill, when his former colleagues found it convenient to leave the defence of their joint measure to him. He did not mean to say, that he had asked the favour to which he alluded as a kind of wages for doing the business of the Government, but he referred to the real facts, in order to show that it was less presumptuous than it might otherwise appear, that he should seek for the postponement of this measure from Monday to Friday. *Sed dîs aliter visum.* Very fortunately, but very unfortunately for every other interest of the State, the noble Duke (Wellington) was taken ill at about the same time, and the instant it was known, the bill was postponed, not only to Friday but to Monday. He approached this question without the slightest prepossesion. How could he otherwise. The bill professed to be bottomed on that he himself brought in, and purported to be an application of that great and wholesome measure to Ireland. But they had been warned by the noble Viscount against faction. He never yet remembered a minister, be he Whig or Tory, who did not on all occasions avow his dislike to faction, and express his hope that this particular measure, being one of great importance, it should not be taken up on party grounds, but calmly and candidly considered. Let but the same minister cross the floor and not another word would they hear from his lips in dispraise of faction. But the noble Viscount had gone farther than any of his colleagues for in the heat, tide and torrent of his eloquence he called it the demon—the very fiend, and demon of faction; they were conjured to steel their minds against that demon of faction. He for one, felt none of it. Whether that part of the noble Viscount's speech had been addressed to his noble and learned Friend, to the supporters of the Government to their tail, to the Irish priests, or to the friends of the appropriation clause, to the allies of Lichfield-house, who had forgotten the appropriation clause, to his noble Friends the leaders of the other House of Parliament, who held, that Ireland was not safe for a night without the appropriation clause —that the tranquillity of the Empire could not be answered for without the appropriation clause, that appropriation clause which dislodged one Government and put another Government in its place—that appropriation clause which made friends of enemies, personal political allies of political foes, which cemented alliances the least to be expected the hour before, and made them as firm as if they had never been interrupted by either personal or political animosity previously—that appropriation clause which in three little years having been virtually and substantially sunk, had now been as completely thrown overboard as if it never had existence at all, and Ireland had forgotten it altogether while its tranquillity and peace remained unruffled, and it was as easy to govern that country with pen, ink, and paper, and a bit of red tape as Franklin ever said America was. Whether the noble Viscount referred to the history of the appropriation clause, or to the conduct of certain parties in the other House, who had dealt with it in so factious and party a manner. As to what else the noble Viscount could allude when he talked of being guided by the demon of faction, it was impossible for him to say, and it would be needless to inquire. But thus much he would take on himself to say, that he approached the consideration of this question without the slightest taint of party prejudice. All his impressions were favourable to it from the first time, about a year ago, when his attention was first directed privately, not by Government, to the subject. Nevertheless he was bound to exercise his own judgment in so grave a matter. And here, again, he had to complain of the course which had been pursued by Government with respect to Irish poor-laws. Some measures admitted a twofold consideration, in respect to which they might first determine whether a bill at all should pass, and then discuss what the measure should be; but there were other questions which, from the nature of the interests they involved, from the passions to which they addressed themselves, and which they were calculated to arouse, would not suffer this bipartite consideration. Some questions there were, in which they must answer the second before they could well and wisely deal with the first—in which before they resolved that any measure could with safety be adopted, they must see and know the shape, dimensions, and colour of the measure itself; and if there were any measure which came within that description, most emphatically he would say it was a poor-law for any country, for it dealt with interests that must raise men's passions — it applied itself to the whole mass of the people—it peculiarly applied itself to the lowest uninformed parts of the people. It always must needs have a tendency to make its application to that least informed, humblest but most numerous class of the people, and as against the fewer, the more instructed, the wealthier and the happier class above them in the scale of society. It had the tendency not merely to raise the question of hunger, of subsistence, of all the most arousing to a people, but it had a tendency to raise that question in their minds, and upon that question to raise their almost physical and vindictive feelings against the upper and wealthier classes. Gracious Heaven! then if there were any measure which most emphatically of all came within that description, was it not such a measure applied to the mass of the people like the Irish; ignorant, poor, numerous, less civilized than the other classes of the empire, although no doubt with many amiable, admirable, excellent qualities, yet of a mercurial sanguine temperament, prone to build castles in the air, and in proportion to their poverty and suffering the more likely to cherish unfounded expectations. It was therefore the duty of a true friend to Ireland, a statesman who well and wisely consulted the good of the empire committed to his care, entirely to avoid saying to Ireland they should have a poor-law until he knew what that poor-law should be. How could the noble Lord tell before-hand whether he should be able to devise what would be a safe and expedient poor-law for Ireland? Was it so much a matter of course—like drawing an Exchequer-bill which was done by a secretary or a clerk—and might be done by steam? It was one of the most difficult problems a Government could resolve. And yet in the dark, in utter ignorance what the measure should be, when it was utterly impossible to tell if such a bill should ever be devised at all, when it was utterly impossible to say whether what should be devised would not be ten thousand times worse than the existing evils, down they sent Lord Morpeth to the House of Commons to announce — in order to quiet two or three amateur statesmen to tide over the year from hand to mouth, and get into the much and deeply-panted for long vacation—down they sent Lord Morpeth to the House of Commons to proclaim a poor-law for Ireland. They did this in the summer of 1836. He was not then attending Parliament, and when he read the news he felt as if he had grown blind, he could not believe his eyes. To him it appeared that there was no possibility of knowing all the effects in Ireland. On the people of Ireland, it certainly must have had the comforting effect which arose from the knowledge that the Government of the empire was committed to some poor-law or other—that they had brought down on them 2,000,000 or 3,000,000 of paupers. Again, he would repeat, that when he read the news, he could hardly believe, that anything like it could be true. A moment's reflection, however, led him to take for granted that the Report of the Poor-law Commissioners for Ireland, had been received; that that report contained the outline of a good measure; that its proposed provisions had been deliberately examined, and reviewed by the Ministers of the Crown; that they had adopted the suggestions of the commissioners, and that they were prepared to come before Parliament, and the country with their whole plan full in every one of its parts; but great was his astonishment when he found, on a comparison of dates, that the facts which he took for granted, were inconsistent with each other. Two months after the measure in question had been announced to Parliament, a gentleman was sent over to invent and devise a poor-law for Ireland. But let the House and let the country remember, that this was not done till long after the noble Lord, the Chief Secretary for Ireland had committed the Government and the Parliament to a poor-law of some sort. The Ministers of the Crown told the country, that their intention with respect to the Irish poor-law, was to adapt the English measure to the peculiar circumstances of Ireland. He confessed it did astonish him, that the acuteness of the noble Duke could have been deceived by such a fallacy; he was astonished beyond the power of expression, to find such a statement could get round the noble Duke. Was there ever heard anything like the representations that had been made on this subject? The public, and that House were told, that no one who had seen the admirable working of the measure in England, could, for a single momen , hesitate to desire, that it should be beneficially transferred to Ireland; but never had there been so gross a fallacy. Logicians to illustrate the nature of a fallacy, had never invented anything so inconceivably removed from any semblance of truth. What was really meant when the English poor-law was spoken of? Two centuries had passed over their heads before the old English poor-law — the 43rd of Elizabeth—could be said to have come into the operation of any considerable portion of the mischief which it effected. They had not had recourse to the act of 1834, as a matter of choice, it was forced on them by a stern necessity. The grossest abuse, long continued, had driven them to the measure of 1834. Would any one say, that because a railroad or a canal was required between Glasgow and Edinburgh, or between Liverpool and Manchester, that therefore there should be a railroad carried across the Curragh of Kildare, or over the mountains of Wicklow? There never was a more total absence of all analogy than between the two cases. His noble Friend near him, the noble Viscount, by whom the bill had been introduced, appeared to be of opinion, that the operation of the English poor-law had prevented in this country certain very serious evils which had occurred in Ireland, and the noble Viscount had been induced to adopt this opinion by becoming acquainted with the views, and imbued with the doctrines of some political economists, for whose wisdom and knowledge he appeared to entertain a profound respect. He regretted to find, that in reference to this portion of the science of political economy, he had lost a pupil. When he and the noble Viscount sat on the other side of the other House of Parliament, he remembered as well as if the occurrence took place but yesterday, that, addressing himself particularly to that noble Viscount upon the very question in dispute, he received from him the most cordial and hearty concurrence that one Member of that House could give to another, without actually getting up to interrupt the course of his observations for the purpose of expressing that concurrence in words; but if cheers, looks, gestures, hearty laughter, expressed assent, and even cordial concurrence, the noble Viscount had conceded to him these while he was exposing the gross fallacy of those economists upon whose authority so much reliance now appeared to be placed. He would remind the noble Viscount of the substance of the argument. The economists maintained, that the English landlords prevented the increase of the population of this country, by refusing to allow too many cottages to be built on their estates — those landlords knowing, that eventually the burden of the poor-rates must fall upon themselves, naturally did all in their power to arrest the progress of population by discountenancing the erection of small cottages—he desired to do full justice to the argument, and there it was. A more infatuated inattention to particulars he had never known. Surely the old English poor-law, by providing for children, gave a direct encouragement to matrimony, and therefore to the increase of population, which the trifling discouragement, that the resistance to the building of cottages presented, could never countervail. The incentives to an increase of the population which the law, as it formerly stood, offered, were infinitely too powerful to be resisted by any such petty cause, as the opposition to the building of cottages. To what extent could that be carried, in cases where there was anything like a divided proprietary in the parish? It could not produce any effect, unless where the whole parish belonged to one man. A single speculator in cottage building, who possessed 150*l.*, wherewith to purchase half an acre of ground, where he might build thirty or forty cottages, would defeat all those tendencies of the poor-law, upon which, in the reasonings of the economists, so much reliance had been placed. During the first century and a half, after the enactment of the 43rd of Elizabeth, there were causes in operation which prevented the increase of population in this country—when those causes ceased to operate, the poor-law interposed no obstacle to the progress of population. Increase went on in Scotland, where the poor-law was not, and in England, where it was. In ordinary cases, *post hoc, ergo propter hoc* deceived the dull or the inconsiderate, but here *propter* *hoc* was confounded with *non obstante hoc.* In his opinion the population was restrained, not by reason of the poor-law, but in spite of the poor-law. As it existed in its ancient form it was liable to all possible abuse. Let not the promoters of the present measure lay the flattering unction to their souls, that because the 43rd of Elizabeth had for two centuries done little or no mischief in this country, that therefore their bill suddenly introduced into Ireland, and having no such causes as existed in this country to justify its assuming the particular form imparted to it, would produce no sensible mischief there. The poor-law in this country had not been much abused for more than a century; it was not till a great stimulus had been given to wealth, until war had operated in a manner before unknown, that those formidable evils made their appearance which it was the object of the Act of 1834 to remedy. In the course of the present discussion they had been told, that in the debate of that night they were bound to grapple with the principle of the measure and to leave the details to be disposed of in the Committee; but he begged to ask, could the details be separated from the principle, and he proposed to answer that question by asking another — what were the details? He could understand the reply if it were to this effect, that no provision should be made for any but the lame, the blind, or for children left destitute. If that were to constitute the principle of the measure there would, he believed, be very little difference of opinion on the subject, at least in that part of the House. The question was this, should there be a provision for the impotent poor, was that a matter of detail? The next question was, should there be a provision for the able-bodied; was that either a matter of detail? Why, if so, the whole principle was a detail. This raised the whole question. But then they were told, that the possible evils of the measure were to be met by checks which were to form a portion of the details of the bill. He desired to know where were those checks, they were not in the bill. He remembered, that when the Roman Catholic Relief Bill was before their Lordships, Lord Colchester told the noble Duke, then at the head of his Majesty's Government, that the bill would prove the destruction of our Protestant constitution. The noble Duke replied to him, "Wait till you see my securities." However, poor Lord Colchester never did discover those securities, and he voted against the bill. In the present case, the checks upon the apprehended evils did not in any way appear, and the opponents of the measure would probably find it as difficult to discover them as Lord Colchester did to find the securities in the case of the Roman Catholic Relief Bill. As in the case of Lord Colchester no vote was obtained, so with respect to the present question no vote either would be procured by the representation concerning checks. It had been said, that the expenditure ought to be localized, that that was one of the improvements to be effected in the details of the measure; but he desired to know how the House of Lords could localize expenditure? The House of Commons might have done so when the bill was before them, but that branch of the Legislature could not interfere with taxation otherwise than by throwing out the bill. He was, he confessed, at a loss to discover how rational men—how men of sound intellect, could have allowed a bill such as that to pass out of their hands in such a state. It would seem, that they were apprehensive of letting a Session pass without doing something, but he thought it would be better for them to let ten Sessions pass than permit so ill-considered a measure to become law. It was not true, as had been represented, that the English and Irish bills were alike, for the Irish bill was all centralization, and the English all localization. The commissioners sitting at Somerset-house had no power of taxing the English people, but they did possess the power to tax the Irish. These alone, however, did not constitute the material features of the bill. Many of its features had been copied from the English poor-law, no doubt. The landlords, for instance, were to bear the burthen of supporting the entire poor of the country; while the iniquity of the English poor-law was, that the manufacturers had a direct interest in keeping down the wages of the poor man at the expense of the landlord. Here there was a similarity. The Government was called upon for a poor-law, and they looked out for the very worst and most indefensible features of the old English measure, which could not be kept out of it, as it was founded upon the 43rd of Elizabeth, and put them into the Irish bill without restraint or alteration. They were told, that it was to be accompanied *pari passu* with other measures—one to stay mendicancy, and the other to deal with vagrancy; but the noble Viscount said, that this could not be done at once, that it would be attended with considerable difficulty. That was one of the reasons why he objected to the present bill, which had nothing in its favour except that it substituted for an irregular charitable and voluntary contribution a regular and compulsory tax. Unless they put an end to vagrancy, the same burthen, even if this bill were in operation, would continue to be imposed upon the poor Irish cottiers, owing to their kind, hospitable, and charitable feelings. The vagrant in Ireland was very different from the English vagrant. In England he stretched forth his hand and begged, but in Ireland he went forth with his sack, visited poor cottiers, demanded nothing, but received from them what provisions the extent of their very limited store would permit. Then with regard to mendicancy, the bill imposed a tax upon one part of the country to support the mendicancy of another. He might live in a parish where there was not a single mendicant, and he should nevertheless pay money under the compulsory clause in this bill towards the support of mendicants 150 miles off. Then, the extreme difference between the circumstances of the two countries afforded another reason for supposing that the operation of this measure would not be beneficial in its final results. What were those circumstances? In England the bad administration of the law of Elizabeth had begotten in the poor such habits of indolence, that they preferred the dole of the parish to the honest industry of their own earnings. Hence the necessity of applying, as a check, the workhouse test. But here they had a workhouse mendicancy. Now, he very much questioned whether that was the state in Ireland. At all events, they knew that whatever the state of Ireland was, it had not been produced by poor-laws. But he saw no want of industry on the part of the people of Ireland. Was there work in Ireland for those who applied for it? Unless all he had read in the reports on this subject, and in the speeches in the newspapers, and in the pamphlets that had been published both by Lord Clements and Mr. Lynch, and others—unless the reports of Mr. Nicholls and of the commissioners were altogether a fiction and a fabrication. It was absolutely certain, that there was a very different supply of work in Ireland to what there was in England. If the whole commission that had been engaged on the subject was not a fabrication, it was absolutely certain that there was a very different supply of work, and of men for that work, in Ireland. Where in England would they see an employer, upon calling in a man to work for three or four days, beset by a dozen people seeking employment, while the wages were but 5*d.* or 6*d.* a-day? Where in England would they see whole bodies of labourers coming and saying "We will compound for 2*s.* a week all the year round?" Why that was scarcely enough to keep soul and body together. Not but there were often too many idle hands in England, but then from habits of indolence, engendered by the poor-law, they were less eager to procure employment. The only way, in his opinion, to put an end to poverty in Ireland was to increase the quantity of work, and the only way to increase the quantity of work was to infuse more capital into the country. The noble Viscount had stated, that the Commissioners were of opinion that the poverty of Ireland was not attributable to the penal laws. That might be in some degree, perhaps, correct; but certainly, whatever had a tendency to lessen security to life and property, or to put down the profitable employment of capital, must necessarily not only prevent capital from being introduced into the country, but chase away from it whatever of capital was so circumstanced as to be capable of removal. If he had capital to invest in Ireland, he should pause before he laid out 1,000*l.* upon the fairest estate that green island possessed, until he saw whether that estate was now for the first time to be made subject to a poor-rate. Capital would be drawn to Ireland by whatever would tranquillise Ireland. Settle the Tithe Question, continued the noble and learned Lord, with or without the appropriation clause. I am no party, never have been a party, to the intriguery with which that question is involved. With or without that clause in God's name, settle it—settle not merely the tithe question, but ecclesiastical questions in general. Govern that country with a firm, states-like consistent hand, as my Lord Wellesley—as my Lord Anglesey governed it. Govern it so as to hold the balance even between conflicting sects and opposing parties; but govern it, at the same time, with an absolute love of the people, a steady disposition unremittingly to gain their affection, a constant desire to be fathers as well as rulers of the people, and then you will make those friends who are the strength, comfort, and security of every Government, and without whom neither taxes raised by the Exchequer, nor rates levied by commissioners, nor armies sent to enforce the rates which commissioners have levied, will ever avail to secure the strength or peace of your reign. "Non exercitus, neque thesauri, præsidia regni sunt, verùm amici; quos neque armis cogere, neque auro parare queas, officio et fide pariuntur." Unremitting candour, steady, manly, equal policy, perfect good faith, and no chichanery, no shuffling whatsoever. That is the course which will gain you friends, upon whom alone a Government ought to wish to rest; upon whom alone the safety of an empire can rest—"*Officio et fide pariuntur.*" Govern Ireland thus, and you will find that capital will flow into and extend itself through the country; you will find her fields cultivated, her bogs disappearing, her poor diminished, her comforts increased, tranquillity established; the crafty priest may preach, and the restless agitator may disturb, in vain; you may defy, because right in the honest discharge of your duty, the arts of the one and the tumults of the other.

The Marquess of *Lansdowne* said, that he apprehended that the noble and learned Lord's dissatisfaction at his (the Marquess of Lansdowne's) not having spoken at an earlier period of the debate arose from the noble Lord's being deprived of an opportunity of adding him to the list of those total failures which was sure to be the case with every one on either side of the House who ventured to offer any opposition to the opinions of the noble and learned Lord. He had long hesitated as to the possibility of admitting a Poor Relief Bill into Ireland, even to the limited extent which the present bill proposed; and he thought it was impossible for Government to introduce such a bill without risk and danger. Indeed, if such a bill could have been introduced without risk, not only the present Government, but every Government during the last half century had been to blame for not having attempted to introduce such a bill. But, unquestionably, it must be admitted, that every Government successively had feared to approach the subject, and none more than the present Government, from a sense of the magnitude of the difficulties that surrounded it. The preliminary question they had to determine was, whether the attempt were now to be made in Ireland or not? It was not a sufficient answer to that question to say, that the English poor-law had inflicted some mischief on England. No human system had ever existed into which some abuses had not crept; and the fact, that numerous abuses had crept into the management of the English poor-law was no reason why the attempt should not be made by a paternal Government to remedy the serious evils connected with this subject, of which the pressure had so long been felt in Ireland. He looked upon the system which the bill proposed to establish as subjecting the matter to a fair trial; and, however noble Lords might be disposed to object to some of the details of the bill, he trusted that no indisposition would exist to give to Ireland, through its means, some chance of attaining at last to a state of tranquillity and repose. He must refer to what had fallen from the noble and learned Lord, and other noble Lords who had imputed to Government the having created expectations and hopes on this subject which they were by no means prepared to fulfil. The noble and learned Lord had argued the point, as if this bill created the right to relief. He denied, that such was the principle of the bill. If it were so, he would never have supported the bill. Were that the principle of the bill, the exaggerated statement of the noble and learned Lord opposite (Lord Lyndhurst) of the possible diminution of the rental of Ireland, so far from being exaggerated, would fall short by two-thirds of the full amount; for he (the Marquess of Lansdowne) believed that in that case it would swallow up the whole rental. When Government was accused of having misled the public by their statements, those who brought the charge ought to refer to the public acts of the Government. What was the language employed in the speeches put into the mouth of the late King and of her present Majesty? Nothing could be more carefully guarded than the language of those speeches against raising any such hopes or creating any such expectations. Looking at the necessity for relief, of employing some stimulus to the resources, and of improving the condition of the poor—looking at these things, it surely became the Government to make a limited attempt that they could keep under their own control and management. There was no danger that the power of the Commissioners would be permanently abused; there was sufficient protection against that in the revision and control which it was intended should be exercised from time to time by Parliament. The noble and learned Lord referred to the English Board as if that were intended to be an insult to the people of Ireland; but surely the noble and learned Lord's own allusion to Ireland as the "land of jobs" might have suggested to him an answer to any such supposition. The employment of English Commissioners in cases where money was to be expended had, as was admitted in all quarters, had the effect of putting a stop to jobs of every description. In proof of this he need only refer to the Board of Works. The members of that Board were entirely English. The noble Lord said he was prepared to assent to a bill for the relief of the impotent, blind, and aged. With all the ingenuity of the noble and learned Lord, he would find it extremely difficult to introduce such a precise definition as to the character of age, impotence, and sickness, as would guard that part of the bill against the possibility of fraud. He thought the interests of humanity, under the operation of this bill, would be more extensively served by the effect it would have on the rate-payers than upon those who were paid. Adverting to the state of Ireland, he must observe, that it was impossible to apply capital profitably in a country where a combination existed amongst a class of persons living by their labour, and where a small portion of the people could deprive large numbers of that property in his own labour which every man had a right to enjoy. He was aware that the present bill would not effect a cure of this evil, but he thought that if even a small portion of the people were taken out of the market, and from that competition which existed with respect to land, much good would be thereby effected. The bill was necessary on account of the clearing of estates, which was being proceeded with in some cases too rapidly, but in others with due caution. Such a measure as this, by making a provision for the poor, would deter them from bidding as they now did for estates, and also prevent them from feeling so much discontent when ejected by their landlords. He considered the bill required to assist those natural causes which were working out the increasing prosperity of the country. To suppose that any measure of the kind could put an end to the famines with which Ireland was occasionally inflicted would be chimerical. So long as the population was dependent to the present extent on that poorest description of food, the potato, so long must they be occasionally brought to the extreme distress which had been heretofore induced. Any measure that might be proposed for the relief of the poor must be liable to objections. They had heard of many other plans for curing the evil of want of employment in Ireland, such as by emigration, the extension of public works, and the draining of waste lands. To emigration under proper regulations, and with certain restrictions, he was not opposed; but if carried on on a large scale, he thought it would be attended with greater expense and with more difficulty than any other mode that had been suggested. The other plans, even if conducted on a large scale, would be found inoperative for the wants of 7,000,000 people—though on a small scale they might be good safety valves for a superabundant population, for which there was not sufficient employment. These aids had been silently in operation for some time, and agents had been appointed to assist and direct parties who were disposed to settle in many of our colonies. He would admit, that public works would be found very useful in the employment of able-bodied men; but he thought it essential to the welfare of Ireland that such means as this bill afforded should be given to landholders to carry out its principle. On these grounds he gave his assent to this palliative to, for he did not regard it as a cure of, the evils which afflicted Ireland. He was ready to admit with his noble and learned Friend opposite, that the cure of those evils and the future prosperity of that country must depend on other principles—must depend on the application of capital to the resources of that country, and in banishing from it that ruinous system of combination which now prevailed in it. By such means, and by such only, could the prosperity of Ireland be secured. It was, he repeated, on these grounds, that he gave his support to this bill, being aware, that if it failed, he should have to pay in his own person the penalty of his misjudgment with respect to it.

The Marquess of *Westmeath* said, that as he might not be able to attend in his place to-morrow, and as Irish landlords were now put on their trial, he wished to take that opportunity of saying a few words before their Lordships divided on this bill. For himself, he denied, that he had ever as a landowner subdivided land in order to raise rent. Before Ministers tried this dreadful experiment, which was likely to be so ruinous to landowners in Ireland, they ought first to have inquired into the relative position of landlord and tenant in that country, and if they had done so they would have seen the necessity of introducing some measure to protect land-owners from the surreptitious increase of the population on their estates. He was not opposed to the principle of a measure which had for its object the relief of the Irish poor, but it should be different in character from the present, and he despaired of any such being carried through in this Session. It was said, that this measure was popular in Ireland. That he begged to deny; the farmers, and even the working classes, were, generally speaking, decidedly hostile to it. It was also said, that it would be a means of prevention of the offences against property. This he must deny; the offences against property were scarcely half as numerous as those against the public peace, or those against the person. This would be proved by an analysis of the returns of Colonel Shaw Kennedy, from which it appeared that in 1837 the offences against the public peace in Ireland were 4,685; those against property were 2,444. He would say, therefore, that it was absurd to talk of this bill as a remedy for the offences against property. In his opinion Ministers were greatly to blame in the whole course of their proceedings on this subject.

Viscount *Melbourne* was sorry that the debate on this bill had not been continued in the same tone and temper in which it had been commenced; but, as angry subjects had been introduced, the blame would not rest with him if he alluded to them. It was objected that this measure had not been sought for by the petitions of the people—had not been desired by the provincial press—had not been made the subject of animadversion on the hustings, or the topic of discussion at popular meetings. Now, he had every respect for the provincial press and for the hustings, but he must be allowed to say, that it was no very decisive proof that a public measure was not necessary that it had not been the subject of discussion in the provincial press, or on the hustings. As to popular meetings not having discussed it, he would say, that their Lordships must have grown more popular than they used to be if they allowed themselves to be influenced on any question by the consideration of what might have been said with respect to it at popular meetings. As to the attack that had been made from a particular quarter on the opposite side of the House, he meant from the noble and learned Lord (Lyndhurst), he must say, that it had not taken him by surprise. He had long looked towards the dark and lowering cloud capped with violence and threatening a squall which had hung in that quarter, and it was no surprise that it had at last burst forth in the torrent which their Lordships had heard. The noble and learned Lord had expressed his disapproval of this bill in almost all its parts, and yet he declared his intention to vote for its second reading. He had approved of the English Poor-Law Bill, but he would have what he considered a better measure for Ireland. On one thing he had to congratulate the noble and learne dLord. The noble and learned Lord pressed his wish not to wound the feelings of the people of Ireland. He must say he was very glad to hear that. There was a time when the noble and learned Lord used a different tone, and though he had never pressed hard upon the noble and learned Lord for the speech to which he referred, he certainly did think it a very imprudent speech; but he hoped, that the new tone which the noble and learned Lord had adopted on this occasion might be used and employed by him in reference to other subjects connected with Ireland. With reference to what had been said of legislating for Ireland for the purpose of promoting British interests, he must say, that he saw no appearance of this in the debate of that evening; nor, as far as he knew, had there been any appearance elsewhere of a desire to legislate in any such spirit, or of any disposition to sacrifice the interests of Ireland to those of Great Britain. With respect to an observation of the noble and learned Lord, that he did not expect anything of a great and enlightened kind from her Majesty's present Government, he would say, that though he was not indisposed to listen to rebuke or censure when coming from a proper quarter, yet he was apt to look, on receiving a rebuke, at the quarter from which it came, and for his part, he must say, that not conceiving that there was anything very great or enlightened in the noble and learned Lord, though he admitted his extraordinary tact and ingenuity—he said, that not admitting in the least that the noble and learned Lord possessed any of those qualities with the want of which he rebuked the Government, the noble and learned Lord's remarks did not fall with much effect upon him. The noble and learned Lord's arguments, however, though they failed to convince himself, had had the effect of convincing the noble and learned Lord near him (Lord Brougham), and gaining his vote against the second reading. That noble and learned Lord had certainly surpassed the noble and learned Lord opposite in bitterness. Now, he was very well aware of the part which the noble and learned Lord had taken on an occasion to which he had referred in the course of his speech—the occasion of the English Poor-law Bill: he was very well aware of the great efforts made by the noble and learned Lord in advocating that measure on its introduction into their Lordships' House; but when the noble and learned Lord said, that he made a speech on occasion of introducing that bill, which he, as Secretary of State, when the bill was introduced, ought to have made instead, he must tell the noble and learned Lord, that he did not remember that the noble and learned Lord had given him the option of making that speech. The noble and learned Lord seemed very ready to make that speech. Every one must feel sensible of the great powers of the noble and learned Lord, and every one in the Government must be grateful to him for his assistance on that occasion, and none but a madman would deprive himself of that assistance, unless there were very strong reasons for it. He should not any longer detain their Lordships, but he must express his trust and confidence, that the bitterness and acrimony which had arisen in that debate might not affect the decision to which they were about to come, but that the transcendant importance of the question would have its due weight with every Member of their Lordships' House.

Lord *Brougham* said, there were two matters of fact stated by the noble Viscount, which he could not lose the opportunity of denying, and denying in the most positive, distinct, peremptory, and unqualified mode. First, with respect to the English Poor-law Bill, he was asked by Earl Grey, at a time and in a place to which he could not more particularly refer, because the Sovereign, who alone could give him liberty to do so, was now no more, and in the presence of the noble Viscount, and he rather thought he was asked by the noble Viscount himself as well, to bring forward the Poor Law Bill, to which, with some reluctance, he consented. He knew of no intention—no, not the slightest—on the part of the noble Viscount to bring forward that measure. As to the second assertion of the noble Viscount he could, if possible, give it a still more flat denial. Perhaps, indeed, it was a joke; but if it were, he must say, it was a most sorry joke. But in answer to the assertion, he would say, in the first place, that he had intended originally not to have voted at all on this subject, and for this he could appeal to his noble and learned Friend opposite. He could not have changed his intention in consequence of the speech of his noble and learned Friend. He had determined not to vote for the second reading of the bill, in consequence of the speech of his noble Friend near him.

Viscount *Melbourne* said, he had no recollection of the circumstances which the noble and learned Lord had detailed respecting the Poor Law Amendment bill; and as to what he had said on the vote of the noble and learned Lord, that was mere conjecture.

Their Lordships divided, Contents 149; Not Contents 20:—Majority 129.

Bill read a second time.

List of the Not Contents.

Beaufort
Westmeath
Clanricarde
Londonderry
Hardwick
Glengall
Sheffield
Stradbroke
Caledon
Belmore
Teynham
Alvanley

Charlevill
Stanhope
Roden
Limerick
Clonbrock
Lorton
Boston
Brougham

* * *

HOUSE OF COMMONS,

Tuesday, May 21, 1838.

MINUTES.] Bills.—Read a second time:—Pilotage and Sheriffs' Courts.

Petitions presented. By Mr. LITTON, from the Protestant inhabitants of Dublin, against the Ecclesiastical Courts (Ireland) Bill; also a Petition, that military officers be not compelled to attend the ceremonies of the Romish Church.—By Lord C. MANNERS, from places in Leicestershire, by Sir G. STRICKLAND, from Barnsley, and several places in Yorkshire, by Sir E. WILMOT, from the Ladies of Sheffield and Rotherham, also thirty-seven Petitions, from various places, by Mr. PEASE, several, from various places, by Mr. MAUNSELL, Lord EBRINGTON, Mr. CHALMERS, and Mr. LOWTHER, a great number, and by Mr. BOWES, from Middleton in Teesdale, Barnard Castle, Haile and Corney (Cumberland), and from Staindross, and by Mr. V. SMITH, from inhabitants of Northampton, by the LORD-ADVOCATE, from Leith, by Sir G. SINCLAIR, Mr. BROTHERTON, and Dr. LUSHINGTON, several, for the immediate Abolition of Negro Apprenticeship.—By Mr. LOWTHER, from a place in Yorkshire, for the better Observance of the Sabbath.—By Sir G. STRICKLAND, from operatives at Spring-mills, to restrict the time of work in factories for children to eleven hours a-day.—By Sir R. BATESON, from places in Londonderry and other parts of Ireland, against the present system of National Education in Ireland.—By Sir W. FOLLETT, from the dean, chapter, and others, in Exeter, against measures recommended by the Ecclesiastical Commissioners.—By Mr. LUSHINGTON, from Pollockshaws, against any additional endowment to the Scotch Church, by Mr. H. GRATTAN, from landowners of Meath, for some provision for the poor of Ireland.—By Sir W. SOMERVILLE, from Drogheda, in favour of Joint-stock Banks (Ireland).—By Mr. BAINES, from the West Riding of York, for an amendment of the Factories Act; also, from Liverpool, against endowments to Scotch Churches. —By Captain WOOD, from Tottenham, praying that the additional revenue of the Church property be applied exclusively to religious instruction; also, from 10,000 weavers of Spitalfields, for a total prohibition of foreign silk, and for a total repeal of the Corn-laws.—And by the ATTORNEY-GENERAL, from persons who had been Quakers, but were no longer members of that body, to have the same protection as to taking oaths as the Quakers.

FISHING BOATS.] Captain *Pechell*, seeing the noble Lord the Secretary of State for Foreign Affairs in his place, wished to put a question to him on a matter of great importance. On the 3rd or 4th of May, he had presented to the noble Lord a memorial from some fishermen of Brighton, complaining of having received considerable damage from some French fishing boats, and praying that means might be taken to obtain for them indemnification. The noble Lord had, on a former occasion, received a memorial having reference to a similar occurrence, and of a still more aggravated nature. On that occasion, the noble Lord had intimated his intention of referring the case to the consideration of the King's Advocate, for the purpose of ascertaining its bearing on international law, and if he found that he should be borne out in doing so, of making an application on the subject to the French Government. He (Captain Pechell) now wished to ask how the question lay between the French and English Governments, a matter of the greatest importance, as only two days ago a similar aggression had occurred.

Viscount *Palmerston* observed, that a difficulty had arisen from the circumstance of its appearing to be the fact, that the collision which had taken place between the French and English boats had taken place on the high seas, and not within the territorial jurisdiction of either the English or the French Government. With regard to the question which the hon. and gallant Member had put as to the present state of the arrangements on the subject, he was happy to inform him, that the British ambassador at Paris had been instructed to make two propositions to the French Government, which, if adopted, would obviate the recurrence of any unpleasant circumstance. The first proposition was, that the fishing of each country should be exclusively carried on within the territorial jurisdiction of that country; the second proposition was, that a code should be agreed to by both countries, regulating the conduct of the fishermen when they met out of the territorial jurisdiction of either country. These were the propositions which had been made to the French Government; but circumstances had hitherto prevented an answer from being given to them.

Subject dropped.

OUTRAGES IN IRELAND.] On the Order of the Day for the House to resolve itself into Committee on the Registration of Electors Bill being read,

Sir *F. Trench* said, he would take that opportunity of reading a letter to the House which involved a charge of the most serious description against the Irish Government; and for the purpose of putting himself in order, he would conclude by a motion. The Irish Government was accused, and not in a secret manner, but by a person who avowed his name, and who was a county magistrate, with having encouraged persons to commit outrages and acts of violence, by withholding the rewards due to the individuals who gave information respecting these illegal proceedings. The letter was as follows:—

"My dear Sir Frederick,—You have, of course, heard of the assassination murder of Mr. Cooper, and the reward offered for discovery by Government, 300*l*. I have no doubt but half the sum offered would procure the necessary information and conviction, were the persons who can give the information satisfied that they would be paid the money offered, there appears to have been so many witnesses of the fact. But I am sorry to say, that the Government do not keep faith with persons who risk their lives by giving information."

[Mr. *O'Connell:* No, No.] He would tell the hon. and learned Member, that he could state an instance of a man who had been denounced from the altar for giving information, and the next morning he was found murdered, his head being cut off and placed under his arm, and in his mouth a paper was found, on which it was written, that "that was the way in which informers ought to be treated." [Mr. *O'Connell:* Name, name.] He would give the name to the noble Lord opposite, but the hon. and learned Member knew that there was great danger in publishing names in such a case.

The *Speaker* observed, that according to the rule of the House, the hon. Gentleman could not proceed, unless he intended to move an order of the day by way of amendment.

Sir *F. Trench* would do so. The hon. Gentleman then continued to read the letter:—

"I can state a fact to you that I think should be brought before Parliament. As I was a great enemy to tithes, when they did exist, and have always thought more favourably of the Whigs than the Tories, it cannot be supposed that I mention the matter from party feeling, but merely as I think that such conduct on the part of Government will prevent such murderers as Mr. Cooper's from being punished. Gilbert Carter, who lives within a few miles within this place, in the county of Tipperary, was engaged in the collection of tithe composition, in consequence of which, as it appears, his house was broken into at night, his family ill-treated, and tithe valuation books and securities destroyed. Government, in the usual way, offered a reward of 50*l*. for information and prosecution to conviction. A son of Gilbert Carter did give information, and prosecuted to conviction, and received 25*l*. instead of 50*l*.! I wrote to the Secretary on the subject, and was referred to the stipendiary magistrate (Major Carter, of Nenagh) of the district, for the reason of withholding half what was promised. I did apply to him in person. The magistrate said, that he did not approve of the manner in which he (Carter) gave his evidence on the trial, that '25*l*. was enough for him.' I urged that the terms on which 50*l*. had been offered were complied with; he admitted that, but repeated that he had got quite enough. I leave to you to make the comment, only remarking that I believe the certainty of reward, as well as of punishment, is of more consequence than the amount. I will trouble you with no more. Henry can tell you more on the subject. He, as a magistrate, did more than I to show the Secretary that Government should keep their word.

"Yours, ever most truly,

"W. TRENCH."

The hon. Member said, that the writer of the letter was a gentleman of considerable age, and a kinsman of his own; and having written to the son of his correspondent to ascertain whether he might make use of his name, he received the following letter in reply:—

"*En route*,

"Weedon, near Daventry, May 8, 1838.

"Dear Sir Frederick,—I am sure my father would have no objection to his name being mentioned. I see little more to add to the facts he has given. I received the informations, and with much difficulty prevailed on young Carter to follow them up, at inconvenience and considerable risk to himself and his family. Had the neighbourhood been, generally speaking, a disturbed one, the Carters could not have remained in the neighbourhood; but they lived within a mile of Cloughjordan. Major Carter was the stipendiary magistrate; but I believe he thought Carter was ill-used by half the reward being withheld. Perhaps, if the balance was sent to Carter, it might be a step towards the discovery of Mr. Cooper's murderers. Yours, sincerely,

"H. TRENCH."

The hon. Member concluded by stating that he knew nothing was so difficult in Ireland as to obtain information respecting the perpetrators of crimes, and he thought the course pursued by the Government, unless it could be satisfactorily explained, like to have a most pernicious tendency.

Viscount *Morpeth* said, he had not heard of the circumstances of the case before they were mentioned by the hon. Gentleman. He had written to Ireland, requiring the fullest information on the subject: but, from the statement of the hon. Gentleman, it appeared that the whole of the proceedings had been taken by a stipendiary magistrate.

Subject dropped.

REGISTRATION OF ELECTORS (ENGLAND).] The House resolved into Committee on the Registration of Electors England (Bill).

On the sixth Clause,

Mr. *Wynn* said, he wished to suggest to the noble Lord opposite the propriety of introducing a clause giving the revising barrister the power of imposing a fine in cases where the lists of electors were not duly returned.

Sir *C. Knightley* said, that there were many cases in which, from the ignorance, wilful inattention, or from corruption on the part of the overseers, whole townships were disfranchised on account of the lists not having been properly filled up or returned; and he thought it most important that in a bill like the one under consideration some provision should be made for guarding against so serious an evil.

Mr. *Langdale* fully concurred in what had fallen from the hon. Baronet who had just sat down, and thought some measures ought to be taken to prevent whole townships from being disfranchised through the ignorance or inattention of overseers. He had himself prepared an addition to the clause under consideration, which he proposed having inserted, if it could conveniently be done.

Sir *E. Sugden* feared, from the way in which the clause was framed, doubts might arise as to whether the "chapels" referred to in the clause did not mean exclusively those chapels in connexion with the Established Church; and he thought it important that all ambiguity on the subject should be removed. He quite agreed in what had fallen from his right hon. Friend (Mr. Wynn), and thought it would be highly improper to allow the clause to pass without some provision being inserted to guard and protect the constituency against the ignorance, wilful inattention, or corruption of overseers. It was highly important that large bodies of electors, perfectly qualified to vote, should not be disfranchised through the wilful inattention of either revising barrister or overseer.

The *Attorney-General* heartily concurred in what had fallen from his right hon. and learned Friend, and should be glad to co-operate with him for the attainment of the object he had in view.

Mr. *Praed* thought a sufficient remedy against the evil complained of was provided by the bill. Particular notice was required to be given to the overseer of all he had to do, and corruption was also guarded against by the imposition of a fine when improper conduct could be proved.

Lord *J. Russell* agreed with what had just fallen from the hon. Member opposite, and thought sufficient precautions were taken in the bill to guard against carelessness on the part of overseers.

Sir *W. Rae* thought their legislation would be defective if they left it in the power of an overseer by wilful inattention to disfranchise a large number of electors. Where parties were nearly equal, such conduct might turn the scale of the election, and he thought it possible to prepare a clause calculated to give perfect protection to the voters. In the first place, in his opinion, a heavy fine ought to be inflicted on overseers who neglected their duty. If the overseer did not do his duty on the first Sunday, some power ought to be given to two or more parishioners to appoint another *pro tempore*, for the purpose of securing the franchise of the parish; or the fact might be communicated to the Secretary of State, who should direct such steps to be taken as he might deem necessary.

Sir *J. Graham* mentioned, that two years ago the whole of the freemen of the city of Carlisle were disfranchised in consequence of the overseer neglecting to affix the list to the church door.

Clause postponed.

On Clause 18,

Mr. *Hodgson* moved, as an amendment, "to omit so much of the clause as requires freemen of cities and boroughs to give notice to the town-clerk of change of residence."

Mr. *Jervis* supported the amendment.

The *Attorney-General* said, his own private opinion was favourable to the suggestion of the hon. Member for Berwick; but he did not see why an exception should be taken in favour of freemen which voters of property qualification had not the advantage of. He regretted the Legislature had not altogether omitted the third question; but as he saw no hope of that, he should oppose the amendment.

Mr. *Williams* thought, that the tendency of the clause was to entrap freemen.

Lord *John Russell* thought it peculiarly necessary to have the fact of residence ascertained in the case of freemen, as it was part of their qualification that they should reside within a certain distance of the town or borough for which they voted.

Sir *W. Follett* supported the amendment, and thought the clause very improperly worded.

Lord *John Russell* said, that the clause was not the invention of the Government, but had been introduced into the bill on the representation of various town-clerks, and at the suggestion of the committee who had sat on this subject.

Committee divided on the question, that the clause stand part of the bill:—Ayes 76; Noes 69: Majority 7.

List of the AYES.

Aglionby, Major
Ainsworth, P.
Beamish, F. B.
Berkeley, hon. H.
Bewes, T.
Brabazon, Sir W.
Brotherton, J.
Bulwer, E. L.
Campbell, Sir J.
Cavendish, hon. G.
Clive, E. B.
Collier, J.
Crawford, W.
Crompton, S.
Curry, W.
Dalmeny, Lord
Dundas, C. W. D.
Dundas, Captain D.
Dundas, hon. T.
Evans, W.
Finch, F.
Fitzroy, Lord C.
Fleetwood, P. H.
Grattan, H.
Grey, Sir C. E.
Hastie, A.
Hawkins, J. H.
Hector, C. J.
Hobhouse, T. B.
Hodges, T. L.
Howard, P. H.
Hutt, W.
Jervis, S.
Lambton, H.
Langdale, hon. C.
Lennox, Lord G.
Loch, J.
Lushington, C.
Macleod, R.
Marshall, W.
Marsland, H.
Maule, W. H.
Muskett, G. A.
O'Brien, C.
Paget, F.
Parnell, Sir H.
Parrot, J.
Pease, J.
Pendarves, E. W.
Roche, E. B.
Russell, Lord John
Salwey, Colonel
Seymour, Lord
Somerville, Sir W. M.
Stanley, W. O.
Stansfield, W. R.
Staunton, Sir G.
Stewart, John
Stuart, Lord J.
Strickland, Sir G.
Strutt, E.
Style, Sir C.
Tancred, H. W.
Thomson, rt. hon. C. P.
Thornely, T.
Turner, E.
Verney, Sir H.
Warburton, H.
White, A.
White, S.
Williams, W. A.
Winnington, T. E.
Winnington, H. J.
Wood, G. W.
Yates, J. A.

TELLERS.

Steuart, R.
Rolfe, Sir R. M.

List of the NOES.

Acland, Sir T. D.
Bailey, J.
Bailey, J., jun.
Baring, H. B.
Barrington, Lord
Blackburne, I.
Blackstone, W.
Bolling, W.
Broadley, H.
Bruges, W. H. L.
Burroughes, H.
Clerk, Sir G.
Cole, Lord
Copeland, Alderman
Courtenay, P.
Cresswell, C.
Crewe, Sir G.
Dalrymple, Sir A.
Darby, G.
Douglas, Sir C. E.
Duckworth, S.
Duffield, T.
Duke, Sir J.
Eaton, R. J.
Egerton, W. T.
Fector, J. M.
Filmer, Sir E.
Fitzroy, hon. H.
Follett, Sir W.
Freemantle, Sir T.
Gaskell, J. M.
Gibson, T.
Greene, T.
Harcourt, G. G.
Harcourt, G. S.
Hinde, J.
Hodgson, R.
Hurt, F.
Inglis, Sir R. H.
Irton, S.
James, Sir W. C.
Jervis, J.
Kemble, H.
Kerrison, Sir E.
Knight, H. G.
Knightley, Sir C.
Liddell, hon. H.
Mackenzie, W. F.
Maclean, D.
Maunsell, T. P.
Miles, P. W. S.
Monypenny, T.
Morris, D.
Noel, W. M.
Palmer, R.
Richards, R.
Rickford, W.
Rose, Sir G.
Round, C. G.
Rushbrooke, R.
Sibthorp, Colonel
Sugden, Sir E.
Thornhill, G.
Vivian, J. E.
Waddington, H.
Williams, W.
Wood, T.
Wynn, C. W.

TELLERS.

Sandon, Lord
Praed, W.

Clause agreed to.

On Clause 43, a conversation took place as to the power to be given by the clause to revising barristers to fine for groundless objections.

Mr. *Warburton* objected to the clause. The only mode of investigating rights to be placed on the register was by raising objections. There should, therefore, be no fine, unless there was some mode of previous inquiry as to the validity of claims.

Lord *John Russell* said, the revising barristers ought to have the power to fine, but the fine should be moderate. He was inclined to agree in the view taken by the hon. Member for Bridport; but still there were cases of frivolous objections in which the barristers ought to have a discretion.

The *Solicitor-General* said, there ought to be every facility given to question claims; but after the votes were once decided to be good, every person questioning them a second time ought to be fined on failure.

Mr. *Praed* proposed, as an amendment, that a penalty of *5l.* be substituted for 10*s.* in the clause.

Lord *John Russell* said, that he should prefer omitting the clause altogether to acceding to the amendment, which would have a direct tendency to injure the 40*s.*

freeholders, and to confer advantage on the large proprietors.

The Committee divided on the question that the blank in the clause be filled up with the word ten shillings. Ayes 77; Noes 29: Majority 48.

List of the AYES.

Adam, Admiral
Aglionby, Major
Alsager, Capt.
Archbold, R.
Barneby, J.
Barrington, Lord
Blackstone, W. S.
Bramston, T. W.
Brotherton, J.
Bulwer, E. L.
Campbell, Sir J.
Cavendish, hon. C.
Cavendish, hon. G.
Clive, E. B.
Dashwood, G. H.
Davies, Colonel
D'Eyncourt, C. T.
Duke, Sir J.
Dundas, C. W. D.
Dundas, Capt. D.
Easthope, J.
Erle, W.
Evans, W.
Finch, F.
Fitzroy, hon. H.
Fitzsimon, N.
Gordon, R.
Hawes, B.
Hobhouse, T. B.
Hodges, T. L.
Howard, P. H.
Hughes, W. B.
Hutt, W.
James, W.
Kemble, H.
Langdale, hon. C.
Lennox, Lord G.
Lynch, A. H.
Maclean, D.
Marsland, H.
Morpeth, Lord
Morris, D.
Murray, J. A.
O'Connell, D.
O'Connell, M.
O'Ferrall, R. M.
Packe, C. W.
Palmerston, Lord
Pease, J.
Pechell, Capt.
Philips, M.
Price, Sir R.
Pryme, G.
Redington, T. N.
Rice, H.
Russell, Lord J.
Salwey, Col.
Seymour, Lord
Shaw, right hon. F.
Somerville, Sir W.
Stanley, E. J.
Stanley, W. O.
Stansfield, W. R.
Steuart, R.
Thomson, C. P.
Thornely, T.
Townley, R. G.
Turner, W.
Vigors, N. A.
Wallace, R.
Warburton, H.
Williams, W. A.
Wilshere, W.
Winnington, H.
Wood, G. W.
Wood, T.
Worsley, Lord

TELLERS.

Rolfe, Sir R. M.
Parker, J.

List of the NOES.

Blackburne, I.
Burrell, Sir C.
Canning, rt. hn. Sir S.
Clerk, Sir G.
Cole, Viscount
Cresswell, C.
Darby, G.
Douglas, Sir C. E.
Egerton, Sir P
Farnham, E. B.
Fector, J. M.
Feilden, W.
Filmer, Sir E.
Gaskell, J. M.
Grimsditch, T.
Hale, R. B.
Inglis, Sir R. H.
Jones, J.
Mackenzie, T.
Mackenzie, W. F.
Monypenny, T. G.
Parker, R. T.
Perceval, hon. G. J.
Pigot, R.
Round, C. G.
Sibthorp, Col.
Sinclair, Sir G.
Thornhill, G.
Waddington, H. S.

TELLERS.

Praed, W.
Fremantle, Sir T.

The Committee again divided on the question that the clause stand part of the Bill. Ayes 64; Noes 36: Majority 28.

List of the AYES.

Adam, Admial
Aglionby, Major
Alsager, Capt.
Archbold, R.
Barrington, Lord Vis.
Blackstone, W. S.
Brotherton, J.
Bulwer, E. L.
Campbell, Sir J.
Cavendish, hon. C.
Clive, E. B.
Dashwood, G. H.
Duke, Sir J.
Dundas, C. W. D.
Dundas, Capt. D.
Easthope, J.
Erle, W.
Finch, F.
Fitzroy, hon. H.
Fitzsimon, N.
Gordon, R.
Hawes, B.
Hobhouse, T. B.
Hodges, T. L.
Howard, P. H.
Hughes, W. B.
Hutt, W.
James, W.
Kemble, H.
Lennox, Lord G.
Lynch, A. H.
Maclean, D.
Marsland, H.
Morpeth, Lord Visct.
Murray, rt. hon. J. A.
O'Connell, D.
O'Connell, M.
O'Ferrall, R. M.
Packe, C. W.
Palmerston, Visct.
Pechell, Capt.
Phillips, M.
Price, Sir R.
Redington, T. N.
Rich, H.
Rolfe, Sir R. M.
Russell, Lord J.
Salwey, Col.
Seymour, Lord
Somerville, Sir W. M.
Stanley, E. J.
Stanley, W. O.
Thompson, rt. hn. C. P.
Thornely, T.
Townley, R. G.
Turner, W.
Vigors, N.
Wallace, R.
Warburton, H.
Williams, W. A.
Wiltshere, W.
Winnington, H. J.
Wood, G. W.
Wood, T.

TELLERS.

Steuart, R.
Parker, J.

List of the NOES.

Blackburne, I.
Burrell, Sir C.
Cavendish, hn. G. H.
Clerk, Sir G.
Cole, Lord Visct.
Cresswell, C.
Darby, G.
Davies, Col.
D'Eyncourt, rt. hon. C. T.
Douglas, Sir C. E.
Egerton, Sir P.
Evans, W.
Farnham, E. B.
Fector, J. M.
Feilden, W.
Filmer, Sir E.
Fremantle, Sir T.
Gaskell, J. M.
Grimsditch, T.
Inglis, Sir R. H.
Jones, J.
Langdale, hon. C.
Mackenzie, T,
Mackenzie, W. F.
Monypenny, T. G.
Parker, R. T.
Pease, J.
Perceval, hon. G. J.
Pigot, R.
Praed, W. M.
Pryme, G.
Round, C. G.
Sinclair, Sir G.
Stansfield, W. R. C.
Thornhill, G.
Waddington, H. S.

TELLERS.

Worsley, Lord
Sibthorpe, Col.

Clauses to the 49th inclusive agreed to. The House resumed. The Committee to sit again.

HOUSE OF LORDS,

Wednesday, May 22, 1838.

MINUTES.] Petitions presented. By the Bishop of HEREFORD, from the inhabitants of Hereford, the Protestant Dissenters of Lady Huntingdon's Chapel, Primitive Methodists of ditto, Wesleyan Methodists of ditto, Independents of ditto, and Baptists of ditto, inhabitants of Norton Canon (Herefordshire), signed by the vicar, &c., inhabitants of Mordiford (ditto), signed by the rector, &c., Independents of Dorston and Pembridge (county and diocese of Hereford), Baptists of Ledbury, Independents of Sutton (Herefordshire), Baptists of Church Withington (ditto, inhabitants of Preston and Blakemere (ditto). signed by vicar, &c., inhabitants of Breinton (ditto), signed by vicar and landowners, inhabitants of Kingsland, Baptists of Peterchurch, by the Bishop of RIPON, Lord SEAGRAVE, the Earl of CARLISLE, the Bishop of LONDON, the Marquess of SLIGO, upwards of 150, from various places, and by the Bishop of London, from Maldon, for the immediate Abolition of Slavery.—By Viscount LORTON, from Fermanagh, against the National System of Education in Ireland.—By the Earl of ABERDEEN, from Aberdeen, for additional endowment for the Scotch Church.—And by the Bishop of LONDON, from Maldon (Essex), for the exclusion of Roman Catholics from the Legislature.

BRITISH AUXILIARY LEGION.] The Marquess of *Londonderry* said, that he had a very important petition to present, and one to which he would request the particular attention of the noble Viscount opposite. The petition came from the officers and privates of the British Auxiliary Legion of Spain. The petition was very short and emphatically worded, and therefore he would read it to the House. The petitioners stated, that, "Having engaged in the service of her Catholic Majesty with the sanction of his late Majesty King William 4th, under the Order in Council of the 7th of June, 1835, they were now reduced to great distress in consequence of the non-fulfilment of the engagements of the Spanish Government to pay their pay and the gratuities which they were entitled to receive at the termination of their period of service." The petitioners also stated, that, "Having performed their part of the conditions entered into they were entitled to the payment of their just claims upon the Spanish Government, and that there did not appear to be any probability of their demands being paid unless that honourable House would take the case into its consideration, and adopt such measures as would enforce the payment of the same, and procure for them the justice to which they were entitled." The petition was signed by Colonel Churchill, Colonel Hicks, Colonel Cannon, Colonel Claudius Shaw, and nearly all the other field officers, by about 200 other officers, and 400 non-commissioned officers and privates. It was a singular fatality by which the petition was intrusted to him who several years ago had pointed out the inevitable consequences, that would result from the steps that Government were taking. He hoped some distinct and satisfactory answer would be given by the noble Viscount to the prayer of the petition. It was unnecessary to enter into any details upon the subject, as the proceedings of the meeting from which the petition had emanated must be familiar to all their Lordships. It appeared the meeting had terminated by giving three long and apparently hearty groans for General Sir G. De Lacy Evans. He felt strongly upon the subject as a British soldier, and he could not let the question rest until her Majesty's Government took some steps to redress these grievances. The claims of these men amounted to little short of 300,000*l.*, which, if it was obtained, would diffuse comfort and competence among these gentlemen. He would beg to remind the noble Earl opposite, that on one occasion the noble Earl had taunted him by saying, that before another session General De Lacey Evans and his victorious troops would be hurrying on Madrid.

The Earl of *Minto*—My Lords, I hope it is unnecessary for me to say, that I never stated anything so extravagant.

The Marquess of *Londonderry* said, that he had referred to the best record, and he thought he had correctly stated the tendency of the noble Earl's observation. He might, however, have occasion to refer to the matter again, and also to some predictions of the noble Lord the Chancellor of the Duchy of Lancaster on the same subject. He hoped the Government would see the necessity of doing justice to these men, and of insisting upon the fulfilment of the treaty by which they had been seduced to join the Legion, on the part of the Spanish Government.

The Earl of *Minto* would not enter at present into the merits of the question, but would merely advert to the extraordinary statement of the noble Marquess, that he had stated, that General Evans and his troops would before a year be marching upon Madrid. Now, he had no recollection of having made so extraordinary a statement. What the *Mirror of Parliament* might have stated was nothing to him—it was no authority in that House; and the only occasion on which he had referred to it he found stated what perhaps was very true, "the noble Lord spoke so indistinctly, that it was impossible to collect the purport of his observations."

Viscount *Melbourne* felt it necessary, lest his silence should be misconstrued, to say, that he adhered to the statement he had previously made upon that subject, namely, that the officers of the Legion had a claim, not upon them, but upon the Spanish government, and that they had a claim to the good offices of her Majesty's Government, which they certainly should at all times command. He did not understand what the gallant officer to whom the noble Marquess had referred meant when he said, that the influence of the Government, and of particular Ministers, had been employed to induce persons to enter the service of the Queen of Spain. He knew of no instance to justify such an observation.

Lord *Brougham* confessed, that he was greatly surprised at the pains which the noble Earl at the head of the Admiralty had taken to relieve himself from the charge which had been thrown out against him; which charge was simply, that he had said, that Colonel (now Sir George) De Lacey Evans would march to Madrid. He thought, that expectation had been the very ground on which that expedition had been permitted; and yet it appeared, that the noble Earl now found, that there never was a more chimerical, absurd, or Quixotic idea. He remained of the same opinion which he and the Government entertained in 1835; and he could conceive no justification of their conduct then, unless they had entertained such an expectation. And yet the noble Earl, notwithstanding the sanguine expectations which the Government then entertained, no sooner heard such a charge made than he started up, as if there was an attempt made to impugn the sanity of the person making the statement. Why, the Legion he conceived had been sent out to fight Don Carlos; and, when Madrid was mentioned, it was only meant, that the troops would go into the country. Did the noble Earl at the head of the Admiralty suppose, that the troops were to do nothing but remain near the ships—that they were fastened by cables to the sea-shore? It had been thought, that there was a chance of succeeding, and upon that ground he had consented to the Order in Council. He thought there was an exaggeration in the statement of the gallant Officer who had been quoted; for he did not believe, that any Member of the Government had canvassed any one to enter the Spanish service.

NEGRO APPRENTICESHIP.] Lord *Rolle*, in presenting petitions for the Abolition of Slavery from certain parishes in Devonshire, took occasion to state, he had in his own case experience of the beneficial effects of emancipation upon the negro population. He had been left by his father a large property in negroes; but not being able to reconcile it to his feelings to keep them in slavery, he had emancipated them, and he now had the satisfaction of seeing them industrious, happy, contented, and well able to support themselves.

Lord *Brougham* said, that he had petitions to present upon that interesting subject upon which a noble Marquess (Sligo) had already that evening presented 210 petitions, with 48,000 signatures. It had afforded him the greatest satisfaction to hear the statement of the noble Baron connected with the county of Devon (Lord Rolle), who had nobly, and generously, and wisely given liberty to all the slaves in his plantation, and was now reaping the benefits of that conduct. He had also received a letter upon this subject of great authority, because it came from one who could not be considered in the light of a visionary, unacquainted with affairs in the West Indies, from a gentleman there who derived an income of 8,000*l.* or 9,000*l.* from his plantations. The noble and learned Lord then read a letter, in which the writer stated, that sugar could be cultivated at a cheaper rate by free labour than by slavery; and urged the necessity of "getting rid of that baneful and accursed apprenticeship," upon the ground, that if it were permitted to drag its wretched course to its legal termination they must enter upon the free system under the most unfavourable circumstances. The writer concluded by saying, "that to talk thus rationally to those assembled in the St. Stephen's of Jamaica would be about as profitable as to talk to the pitiless storm or the raging tornado," and that whatever was to be done must be done by the British Parliament.

POOR-LAW (IRELAND).] The Earl of *Roden*, in presenting a petition from the parish of St. John the Baptist, Dublin, took that opportunity of stating, that he deeply lamented the result of last night's debate; because he was positively certain, that the account of that division would spread throughout Ireland amongst all classes alarm and dismay, which it was impossible for him to describe. He felt, that it would be impossible in Committee to divest the bill of the awful features which now characterised it; and if that should be so, he hoped their Lordships would throw it out on the third reading. It was a measure forced upon Ireland against the wishes of all classes in that country; and in proof of that he would only refer to the vast number of petitions which had been presented against the bill, whilst not one had been presented in favour of it.

The Earl of *Wicklow* wished also to take that opportunity of saying a word, as he had not been able to address their Lordships last night. He felt as anxiously on the subject as any noble Lord in that House connected with Ireland, but however objectionable might be the principle of this bill, he confessed that, considering that it was a measure which had been sent from the other House for the professed purpose of giving relief to the distressed inhabitants of Ireland—supported as it had been by large majorities, after very full and careful deliberation, he did think it was not fitting in that House to refuse to give a second reading to the bill; but having come to that determination, he still felt, that he could say nothing in favour of the measure itself. He had entertained considerable doubts of the propriety of the measure; and he must say, that they had not been lessened by the course of last night's debate, for more able arguments against a measure or more feeble arguments for one he had never heard. He knew that very large and almost unconstitutional powers were confided in the commissioners; but he had thought, that as those powers had been endured here they would not probably be more intolerable in Ireland, where the people were accustomed to unconstitutional measures. An observation, however, made last night by his noble and learned Friend (Lord Lyndhurst) was such as to stagger him in that opinion, for his noble and learned Friend had stated, that the powers given to the Irish commissioners were infinitely greater than those given to the English commissioners. Further, he must say, that he should have no confidence in the fourth commissioner. He feared greatly, that that individual would be so completely under the control of the Irish Government, that he might become a party to the system of jobbing which was there carried on to so great an extent. His objections might possibly be removed in committee, but if they were not, nothing would induce him to support the third reading.

Petition laid on the table.

NATIVES OF INDIA PROTECTION BILL.] Lord *Glenelg*, in moving the second reading of this bill, stated, that it was introduced in consequence of discussions which had arisen relative to the permitting natives of India to contract for their services in the West Indies; and the noble Duke opposite, whose absence on the first occasion he regretted, had stated certain provisions which he considered necessary for the protection of the Indian labourers. He need not then enter into the details of the bill, but he might state generally, that it carried to a great extent the supervision of officers to be appointed in India, respecting the treatment of the natives who might contract to serve in the West Indies.

Lord *Ellenborough* said, that his opinion was not changed since the discussion had taken place on this subject; he was still adverse to the permission for natives of the East Indies to serve in the West Indies; but he admitted, that this bill was well-intentioned, and calculated to guard against any hardships to which those natives might be subjected. It was, nevertheless, capable of material improvement, and he would suggest to the noble Earl the propriety of having the bill committed *pro forma*, for the purpose of filling up the blanks and making any amendment which the noble Earl might wish to introduce, so that the measure might appear before them in its proper form.

Bill read a second time.

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HOUSE OF COMMONS,

Tuesday, May 22, 1838.

SLAVE TRADE—MESSAGE FROM THE CROWN.] Viscount Palmerston appeared at the bar with the following answer from her Majesty to the Address of the House relative to the slave trade:—

> "I have received your dutiful Address, expressing your opinions, your wishes, and your hopes, as to the measures best calculated to accomplish the effectual extinction of the traffic in slaves. I assure you I fully share your regret in observing the extent of human suffering that is still occasioned by this cruel trade. I have recently concluded with some foreign states additional stipulations for the purpose of putting down this traffic. I have engaged in negotiations with other foreign states for arrangements founded on the principles recommended in your Address, and I am urging Portugal to fulfil her engagements with Great Britain, by the conclusion of a treaty adapted to the suppression of the slave trade now carried on under the Portuguese flag. You may rely on my earnest endeavours to give full effect to your wishes on this interesting and important subject."

NEGRO APPRENTICESHIP.] Sir *Eardley Wilmot* rose to bring forward the motion of which he had given notice. He felt it would be urged by the Under Secretary for the Colonies, and also by many other Gentlemen on both sides of the House, that it would be unwise, injudicious, and perhaps unparliamentary, in him to bring this question forward a second time after it had been once decided. But he held it to be the duty, as well as the privilege, of every Member of Parliament, if he conscientiously believed, that the House had decided wrong, to bring forward the subject a second time, in order to induce it to revise and rescind its resolution; and that if any evil should arise from the agitation of the question, that that evil should be equally shared by those who opposed as by those who provoked the inquiry. He had other reasons for bringing the subject forward again. First, because he did not think it had been fairly met by the hon. Gentleman, the Under Secretary for the Colonies, when it was last before the House. He thought, that the hon. Gentleman, if he were really sincerely and conscientiously opposed to the motion, should have met it by a direct negative, instead of moving the second reading of another measure—a measure which he (Sir Eardley Wilmot) had always understood was introduced to run *pari passu* with another bill. It was upon these grounds he was induced to bring forward the present motion. In doing so he begged to assure the House, that he should not attempt to excite its feelings or its passions by enumerating all those horrors which had been related as occurring in the West Indies. He wished only to appeal to the generosity and kindness of the House whilst he endeavoured fairly and impartially to bring the whole of this important question under its consideration. When he first undertook to bring the subject forward, he felt that he had a difficult task to perform—that he had two distinct objects to attain; first, to convince the House of the truth of all the allegations which had been made as to the enormities committed in our colonies, which the House and the public disbelieved, as impossible; and also to convince the House that the immediate abolition of the apprenticeship system was the best and safest mode of remedying the evil. As to the first of these propositions, he was almost entirely relieved of any difficulty—for nobody who had read the documents—the authorised documents upon which these atrocities had been proved—nobody who had heard or read the speeches of the hon. Gentlemen in favour of or against abolition—he alluded especially to the speeches of the ex-Chancellor of Ireland (Sir E. Sugden), and the Secretary at War (Viscount Howick), speeches which, undoubtedly, though levelled against, were decidedly in favour of immediate emancipation—no person could have done all that without coming to the conclusion, that the allegations as to the enormities of the slave-trade had been fully proved. But, in addition to that, he held in his hand the Act of Parliament recently passed, an act which had been carried within the last six weeks or two months; and he said, that that act was in itself a plea of "guilty" to the charges brought against the West-India planters. Further than that, he had the language of the noble Lord (Lord Glenelg) at the head of the Colonial-office, in which that noble Lord admitted, that the apprentices had been cruelly treated; that women had been brutally flogged; that the allowances of food to the apprentices had been illegally reduced; that the parents had been unlawfully separated from, and debarred from intercourse with, their children; and that prædials and non-prædials had been unjustly confounded. All this proved, that no trust whatever was to be placed in the colonial legislatures, and that the Imperial Parliament, if it wished to see its measures carried into full and complete effect, must take the task entirely into its own hands. If the colonial legislatures and the planters had scorned, ridiculed, and laughed at the Act of 1833, which was an Act for their advantage, and by which they received 20,000,000*l.* of money; upon what ground was it expected that they would not equally laugh at, and ridicule, and evade the Act recently passed, which was an Act for the advantage of the negro? He trampled upon the Act; he did not take his stand upon it—he assumed a higher ground; he held it to be the undoubted right of every man to be left in possession of the liberty given to him by the Almighty, and which no man had a right to take from him, except for the commission of crime. If both parties were tried at the tribunal of justice, there could be no doubt as to which of them would be adjudged entitled to compensation. The first objection made by the friends of the planters against any alteration of the present law, was on the ground of contract. Now, with respect to that objection, the Act of Emancipation was either a contract or it was no contract. If it was no contract at all (and he had always declared it to be his opinion that it was not), there was end of the question. He contended that Parliament would not enter into a contract with any party. It might command it—it might enact; but it could not contract. But nothing was so strong a proof that the Emancipation Act was no contract as the very Act of the present Session, a copy of which he held in his hand; for by that Act, that part of the contract, as it was termed, which made children under a certain age for a certain term apprentices, was repealed. Now, if Parliament had power to repeal a part of the contract, why should it not have the power to repeal the whole of it? If Parliament could justly give liberty to infants who were included in the Emancipation Act, why should it not be capable of giving liberty to adults? But, supposing it were a contract, he would maintain, that it was either void in itself, or voidable by Act of Parliament. Indeed, those who were most interested in it, were not even parties to this assumed contract. Parliament, by the Act of 1833, abolished slavery, by enacting that from thenceforth slavery should cease; it then created a new species of slavery under the mask of liberty; but upon what conditions? Upon conditions which made the contract, if it were one, voidable by an Act on the part of the same authority which created that new state of things. What were those conditions? They were, that Parliament, on the one hand, should give to the planters the sum of 20,000,000*l.* of money, and allow the negroes to remain in a state of servitude, termed apprenticeship, for a certain number of years; while, on the other hand the planters should perform certain covenants and engagements specified in the Emancipation Act for the benefit of those apprentices. Had the Parliament, he would ask, performed its part of the contract? Undoubtedly it had—it had given its 20,000,000*l.* But had the other parties performed their part of the contract? He would maintain most decidedly that they had not. He knew it had been urged by an hon. Gentleman, and who gave instances, that there were certain estates on which the apprenticeship clause had acted well and beneficially; but, on the other hand, there were many instances in which it had not acted beneficially; and, therefore, he would put the two testimonies against each other; and, in doing so, he took his stand upon this Act of Parliament. When he should have read to the House what had been said by a noble Lord in the other House of Parliament—a Member of her Majesty's Government, and, perhaps, the best authority upon his side of the question, the House would perceive which of the two testimonies was of the more value, and worthy of the greater attention. The noble Lord was considering the question, whether the attention of the nation and the Imperial Parliament in passing the Act of 1833 had been fulfilled, and he stated that

> "The special magistrates, in their endeavour to discharge their duty in administering justice, had been thwarted in every possible way; that the apprentices were sent to the workhouses for the most trivial offences, in order that they might be removed from the protection of the law, the special magistrates not having the power to visit them in the workhouses; that they were abridged of the hours allowed them by law for labouring on their allotments, and were prevented from attending their children even in a dying state, or if they did, they were required to make up for the time so employed by extra work."

After such testimony from the head of the Colonial-office, was there any one who would argue that the planters had performed their share of the contract—if any contract ever existed, which he again denied? But it was said, that the emancipation of the apprentices by the first of August next would be a spoliation of the property of the planters. He denied, that they could have any property at all in the persons of the apprentices. If there were any party which could claim the ownership of such a property, it could only be under the Emancipation Act, which gave it under certain conditions, and these not being fulfilled, the property reverted to the original owners. If there were any proprietor, the Legislature, which paid the money, was the proprietor. He wished to speak with the greatest respect of the owners of the estates in the West Indies. He respected their talents, their characters, their stations in life. He gave them credit for all the moral virtues; he had no doubt they filled the stations in which they were placed with perfect credit to themselves, and with advantage to the public; but he must still say, that the plague spot was upon them; they were slave-owners, and were, therefore, morally incompetent to give testimony on this question. He should feel it more honourable to be a slave for a year than a slave-owner for an hour. He would, therefore, put their testimony entirely out of the question. Then, as to the Members of the Colonial Legislatures, why, they also were slave-owners; he should, therefore, equally put their testimony wholly out of consideration. With respect to the managers, overseers, and agents of the planters, he would not say a single syllable, because it was impossible for them to feel the cruelty of the system. They had been born, bred, and educated, amid scenes of horror and of every species of inhumanity practised towards the slave. They had learned the cruelty of the system in their very cradle. The cries of the slave, while enduring the anguish of the lash, had been the song that lulled them to sleep—his very fetters had been the rattles that amused their childhood. It was impossible that men thus reared could be sensible of the horrors of slavery. But the missionaries, who had gone forth from the land of liberty with hearts capable of sympathising with human suffering, and had visited the huts and gaols in the colonies where the victims of these cruelties lingered and pined in agony, were men whose testimony was worthy of all acceptation; and these men now raised their voices and called upon the Legislature to redress the grievances they had witnessed. Hundreds of thousands of the people of England, of Scotland, and of Ireland, joined in this call, and what was the answer which the Government had deigned to give? Why, the provisions contained in this miserable bill, introduced by Lord Glenelg in the present Session. It was argued, indeed, by those who opposed immediate freedom to the apprentice, that it was necessary the negro should be trained for a state of liberty. In all his life he had never heard any argument more absurd, or more destitute of foundation. Without going over the old ground—without alluding to Antigua, Bermuda, and other islands, where the slaves had obtained their freedom, it was enough to say, that wherever free labour had been tried it had succeeded, and the produce of those places had, instead of being diminished, been much increased. The proposition that the slave required training did not appear in the bill of 1833, for it said that any slave who had money might purchase his freedom. If he had money he might be manumitted to-morrow, and that without any training. The Act itself pointed out that money, and money only, was necessary to the release of the slave; money, and that alone, was the object of the slave-owner. No slave-owner would keep his slaves an hour if he could money enough for their release. He spoke with such a conscientious conviction that the House would soon be awakened to the necessity of an entire abolition of slavery, that he felt it unnecessary to go into particulars. He called upon the House to put an end to this inhuman system, and restore, in its original splendour, the brightest jewel of the British Crown—liberty. He called upon them to make the slaves free, to break their bonds asunder; and if they must be bound, to bind them in fetters infinitely more lasting than fetters of iron —in the fetters of gratitude and of affection. He begged leave to move—"That it is the opinion of this House that Negro Apprenticeship in the British colonies should immediately cease and determine."

Mr. *C. P. Villiers* rose to second the motion of the hon. Baronet, and, differing, as he said they did, so entirely in politics and in all other matters, he hoped their agreement on this occasion would be taken as an assurance by the House, that the advocates of this cause were as anxious now as they had hitherto shown themselves to preserve this question from all taint of a political or party kind. He supported this motion, because he believed its purpose was recommended on grounds no less of wisdom and safe policy than of justice and humanity. He entertained that opinion firmly; and though he, perhaps, was moved to avow his opinion on this occasion by that influence from without which had been the subject of some comment in the former debate, yet he could say, that before the excitement on this question had commenced, he had, on a public occasion, expressed the same opinion, and had ventured to say then, that if by any means the people of this country could be induced to give their attention to the facts and evidence on which that opinion was founded, they would not only arrive at the same conclusion; but would, in one voice of complaint throughout the country, call upon the Legislature to give effect to their opinion. He thought that every friend of humanity, every person who considered that the moral condition of the dependences of the empire should be the subject of their care, ought to feel deeply indebted to those benevolent persons who, with such unwearying energy, and disinterested zeal, had agitated the country upon the question, and had thus succeeded in rousing the attention of the British Legislature to the subject; and observing the good that they had already effected and were daily effecting, he not only did not deprecate that agitation, but sincerely hoped, that their example would be followed, and that other persons would, in matters of deep interest to the country, also act upon the lesson which was taught by this House, namely, that it would refuse to give its attention to any subject, not of a personal or party character, unless it were presented to it as the creature of agitation. This was now the case, as every man knew who ever brought forward any subject of national interest, not backed by excitement from without. It was idle, therefore, to complain of the pressure from without as long as indolence and indifference prevailed within. He did not say that agitation was desirable; but he contended that it was necessary; he, however, was not afraid of agitation, for he believed that there prevailed in the country a fund of sense and honesty that would render success in agitation hopeless, unless the question that was agitated came recommended by the evidence of truth and justice. In the present instance, it was his belief, that if there had been a pretence for saying, that any compact existed, the conditions of which, though flagrantly violated by one party, were still binding on the other party; or if there had been any pretence for maintaining that the apprenticeship system was in the slightest degree satisfying its purpose of qualifying the negro for freedom, all the agitation that had taken place on the subject would have been unattended with any result. But it was because the evidence was overwhelming, and not to be questioned, that a deliberate, predetermined system had been adopted throughout the principal slave-colonies to resist the object, and in every way to pervert the spirit of the Abolition Act—and because that by evidence as little to be doubted, it was shown that this horrid purpose had been so far successful as to render the condition of the negro apprentice worse than that of the negro slave—it was because of the conviction of these disgraceful truths that the great mass of the middling class who were ever the most cautious as they were the most moral class of the community, had risen up to express their indignation at what they considered a fraud practised upon the benevolence and liberality of the country. It was from a like conviction that that active body of philanthropists, who had so peculiarly interested themselves upon the subject of negro liberty, to whom mankind were indebted for that revolution in opinion which had occurred of late in all civilised states upon the subject of slavery, now considered after the flagrant violation of all the conditions attached to the first arrangement by those who had been paid to observe them, that the great question by what way the abolition of slavery could be abolished, was as much open for consideration as it was in 1833. They now, in his opinion, came to the Legislature fortified in their demand for immediate and unqualified emancipation in two most important respects. First, in its being proved that there was nothing in the nature or character of the negro that unfitted him for freedom; and, secondly, in the discovery that in the anticipation of a contrary result they had granted an enormous sum to men as an indemnity for a loss which they never had sustained. Cleared as the subject now was of every obstacle to its free consideration, the House had only to determine what would be most advantageous to those colonies, regarding them in their social, moral, and commercial condition; and not overlooking the determination of this country that the horrid relations of slavery should cease throughout every part of the British empire. It was after calmly and deliberately regarding those colonies in that view that he came to the conclusion, that in no way could that be effected so well as by the complete emancipation of the great mass of their population. He believed, that there were many cautious and timid men who had now come to this conclusion, who had before been in doubt; but that they were yet prevented from publicly supporting their opinions from the notion that they were bound by an Act of the Parliament to endure and uphold the apprenticeship system for two years more. This, then, rendered it necessary to examine what system it was, that the people of this country had consented to endure for that time; because, if it appeared that the system that was undertaken to be maintained was totally different from that which the colonists insisted on enforcing, he considered that they were bound to maintain a system totally opposed to the wishes, feelings, and original intentions of the people of this country? What, then, was the system of apprenticeship which was undertaken to be upheld by this country? It was a system which was to be subject to the provisions of the Abolition Act; it was an apprenticeship system, without the flogging of women; it was an apprenticeship system under which the labourer was to be secured adequate food, clothing, lodging, and medical care; it was an apprenticeship system that was to secure a portion of every week to the apprentice; it was an apprenticeship that admitted of domestic rights and habits, and that was for the avowed purpose of training the slave for freedom—that was the apprenticeship system that was agreed for and which was promised, and as long as it was maintained by the colonists this country would have felt bound to let it endure till the expiration of its term. But what was the system that, in violation of these stipulations, had been substituted? The first person that he would call to announce this to the country should be one of its most wretched victims; it should be the unfortunate apprentice, James Williams, he whose statements had been all verified, after strict investigation by persons commissioned under the Crown, and he would take that as a case illustrating the working of the system, because all the horrors detailed in his narrative had occurred within the cognisance and with the sanction of a special justice, and without the knowledge of the Governor of the colony. Everything which had been verified in that narrative corresponded with all that had been now officially recognised, as having been manifested in the spirit and conduct of the colonial authorities. To this moment the House would have been ignorant of all the said horrid proofs of the working of the apprenticeship system had they trusted to the constituted authorities; and had not one virtuous and benevolent man left his home at his own hazard and expense, for the purpose of examining for himself the operation of the system, had he not disclosed to them the horrid case to which he had referred, it would have been at this moment hidden from them. But if any man objected to the case of Williams let him turn to the volume published by Lord Sligo, and he would there find the statement, that the planters were opposed to the apprenticeship system till they found that they could so far pervert its object as to secure for themselves greater power than they used to exercise over their slaves. Again, let any person read the candid admissions of Lord Glenelg as to the horrid abuses which existed under the apprenticeship system in his speech of last November; and, last of all, if any person should have a doubt of the truth on which the charges had been made against this system, let him consider the purpose and effect of the last act of the Legislature. What was it that that act said in effect to the authorities and the proprietors in those colonies? It was, that they had so far abused the confidence which had been placed in them, that they had so neglected to observe and had so openly violated all the conditions of the contract that had been made with them, that it was impossible to forego further legislation on the subject, and that though there was a stipulation by this country that the Abolition Act should remain in force for six years, yet that such had been the conduct of the colonists that it was necessary to disturb the original arrangement and to legislate *de novo* on the subject. But this was the case precisely of the friend of the negro, who, also contended that the violations of agreement had occurred on the part of the colonists and that it was necessary now to take other means to accomplish the great object of abolishing slavery in every part of our empire; and they, finding themselves in a condition to legislate *de novo* on the subject, now called upon the Legislature, founded on the experience that they had of the character of the negro and the conduct of the planter, to take the only step which ever had qualified or ever could qualify men for freedom—namely, to make them free. The question really was, what remedy should now be applied under circumstances which had not been contemplated? Should it be the continued experiment of apprenticeship, or should it be freedom? Now, considering what the Legislature had acknowledged in the breach of contract on the part of the colonists, and what they now had ascertained respecting the character and dispositions of the negro, what was there, he would ask, in the apprenticeship system that recommended its continuance? Did any person suppose, that it had in any respect placed the colonies in a condition more favourable for the intended change in their circumstances? Would any man say, that it was calculated to improve the feelings between the different classes into which society was divided in those colonies? Did it tend to raise the character of the negro, or soften the disposition of the master? Had it, he would candidly ask, done anything as yet but add greatly to the dangers and hazards of ultimate change? With regard to the apprenticeship system, from the first moment it was proposed he had never entertained but one opinion of it—he had always considered it to be one of the most unwise, ill-advised, unstatesmanlike, bungling schemes for the purpose for which it was intended that the wit of man could have devised. Apprenticeship was always, in fact, a species of slavery, and never could be tolerated unless checked and watched by sound public opinion; but in this case it had all the objectionable features of slavery without some of the alleviating incidents to that system. There were the two prime characteristics of slavery in it, the right of one man to the labour of another without a corresponding obligation of rendering him pay or reward; and what was still more important, there was the denial to the labourer of the right of choosing his master. The master was told, on the one hand, that his dominion should only endure for a limited time, and he, professing to believe, that he never could procure the service of that man after the expiration of that term, was alone interested in extorting from him all the labour that he could, and was divested of the interest he had before felt in the economy of his health and strength. On the other hand, the slave, doubtless tempted with the prospect of freedom, affected in his disposition by the promises of the Abolition Act, was more alive to the ill-treatment he received, and less disposed to submission. He only lived upon the hope that he might survive the day when he could change his master, or, if he had only the feelings of a European, when he might revenge himself upon his master. He (Mr. Villiers) could hardly conceive a more devilish system of society than this would produce; the master would be more tenacious of his power, and the slave more impatient of his condition, and thus a constant state of irritation would be maintained. And what was the contrivance which was devised to check all the evils too probable to occur from this system, and to restrain the masters from an oppressive exercise of the power which they wielded with such complete authority and irresponsibility throughout these colonies? It was the constitution of the office of special justice. This was an important feature in the case, and he hoped the House would give it their attention, as the whole working of the system turned upon it. Who, he asked, was this functionary that was to assume an independent station in these slave colonies—that was to extend protection to the apprentice, and restrain the power of the master? Who was to arbitrate fairly between them in the eternal disputes that would arise between them, that in fact was to administer the English law with intelligence, independence, and courage? Why, it was any person who could be induced to leave this country for a salary of 300*l.* or 400*l.* a-year, and settle in a tropical climate, where he would find no society but that of the planters, whose hospitality he could not accept if he intended to perform his duty, and whose hospitality if he did not accept, rendered him obnoxious to the hostility of the planter, who had in his power every means of harassment and persecution should the special justice decline to be the ready instrument for all his purposes. This was the functionary on whom the whole working of the system was to depend! Let any man calmly reflect on the probable conduct of such persons, judging them only as they would other men—namely, by the circumstances under which they acted, and then say if they wondered at the charges that are brought against them, if they felt surprise at the following account given of them by Lord Sligo from his personal knowledge. The noble Marquess said :—

"During the two first years of the apprenticeship more than twenty special justices fell victims to the climate and to their own exertions, and many more resigned, from finding that the emolument was not sufficient for their support; or sickened by the opposition they met with from the planters; or in consequence of their bodily strength being unequal to the severe labour imposed on them. The first thing that a special justice has to do on landing is, to establish an agent and borrow from him money enough for his outfit of horses, saddlery, portmanteau, &c. He thus becomes embarrassed at the outset, and is obliged to pay a portion of his salary for the liquidation of his debt. If he has the misfortune, not uncommon, of losing one of his horses when on duty, he gets into difficulty still farther; and unless he has a private fortune, with which his expenses as a special justice has nothing to do, he cannot long maintain his independence. The stipendiaries are compelled on this account, as well as in consequence of the scarcity of inns, to have recourse to the hospitality, so proverbial in Jamaica, of the planters; and then it is difficult for him to do his duty honestly in a house where he has been received with kindness."

Again the noble Marquess says :—

"Unless a magistrate be a notorious partisan of the planter nothing is too bad for him; whereas, for those who are what are called 'Busha Magistrates,' that is, under the influence of the overseers, nothing is too good. Two magistrates have been dismissed, both of them accused of an improper administration of the abolition law; for both of these a subscription was immediately and liberally entered into—to one a present of plate was made, and the other received the amount of the subscription in money. The persecutions, on the other hand, with which the planters visited those who showed a leaning to the side of the negroes, prove the disposition which exists to take advantage, if possible, of any mistake which the special justices may happen to make, with the best and most humane intentions. The cases of Bourne and Oldrey are remarkable instances of the feeling which prevailed throughout every part of these transactions. The other instance of persecution of the special justices which it will be necessary particularly to advert to, happened to fall to the lot of Mr. Baynes. From the time that he took an active part in trying to punish those gross and cruel violations of the law which took place in the workhouse of the parish of St. John's, it was determined that all means of annoyance should be put into force against him."

What does the Marquess say besides? Why, that upon the special justice depends the whole good working of the system. Why should there be any wonder, then, after this avowal, that a special justice should be cognizant of all the horrors detailed in James Williams's narrative, and not print them? Why should there be any wonder, that those in this House, who were connected with West-India property, and desired to vindicate the system, should eagerly quote the reports of the special justices, and denounce the persons who bring to light the case of James Williams as anonymous slanderers? How could hon. Members doubt, that the majority of the reports would be in favour of the system, and that only a minority would have the nerve to detail to us all the horrors of which they had had cognizance? This was an important consideration for the House, because it should be remembered, that the special justice was the only security which they had, that the system in future would not be as bad and as infamous as it had already proved to be. And now, having shown, that the apprenticeship system was attended with no advantage, and with no security against abuse, he wished to learn what was the objection to complete emancipation? Would any person pretend, that if not beneficial to the apprentice, it would be injurious to the proprietors? Why, it was now acknowledged, and beyond question, that free labour was more economical than slave-labour. This point had long been settled. The only doubt was, whether the negro would labour if he were free; but if he would not, that was an argument against freedom, not for the apprenticeship system; but that doubt had now been removed by experiment, and it was shown that the negro was as industrious, orderly, and docile when free as any peasant in any part of the world; that he coveted all the objects of civilized life, and was actuated when free by all the motives that influenced other men in free communities.

Evidence there was now in abundance, that it was greatly to the interest of the proprietors to emancipate their slaves. He had seen letters from Antigua, from Jamaica, and from other places, all showing that the estates had risen in value since the slaves had been made free. What, then, he would ask, was the excuse for keeping these wretched people any longer in bondage, exposed to all the cruelties and abuses of which the system was capable. He would not longer detain the House by going into all the details and documents which would substantiate his views, but he defied contradiction in any quarter, deduced, as his opinions were, from a careful perusal of all the evidence which was now before the public. He contended, that the apprenticeship system was of advantage to no party—that it engendered bad and bitter feelings between those whom it was an object to unite by every social tie; but it was above all things dangerous to suffer the partial emancipation that was to occur this year, inasmuch as the most horrid state of feeling would be produced by the distinctions that would then be erected, and the sufferings of those who were continued in bondage would be rendered far more severe. If there was no other reason that justified immediate emancipation, it was, that in direct violation of the Abolition Act there had been no proper classification of those who were entitled to freedom this year as the non-prædial, and those who were termed prædial, who were to be emancipated in 1840. Indeed, the distinction at all was most unwise, as nothing was more calculated to render field labour distasteful to the negro in future than the brand which was now imposed upon it by the law in postponing the boon of freedom to those who had been so engaged. Regarding it, then, in every view, he could not discover one solid reason against the object of the present resolution. All that could be alleged was the compact with the planter that he should retain his wretched power till 1840, which, if there was any person fastidious enough to consider binding after its gross violation by the planters themselves, he would only ask the House to reflect whether any other moral could be drawn from its disregard but this—that when a great and generous country, like England, determined, at an enormous sacrifice, to accomplish a generous and benevolent object, it did not suffer itself to be defied and defrauded with impunity by those with whom it had, in a liberal and confiding spirit, bargained.

Mr. *Blackett* said, that as this was a question which much interested his constituents he wished to say a few words. The question was not how by abolition they were to punish individual cases of cruelty or oppression on the part of the planters, for which he wished the House had the power of visiting them with punishment, but rather how they could reconcile the general welfare of the whole body of planters with the duty of the House, of the negro, and with the faith of the country. He had looked over the evidence most carefully, and though he might have come to a decision which would be unsatisfactory to many to whose good opinion he was much indebted, and whom he held in high esteem, yet he felt compelled to adhere to his first opinion, and to support her Majesty's Government. Could it be supposed, he would ask, that in any vote which he might give he would be indifferent to the fate of the negro, and that he would not be most happy to emancipate him if he could do so with a due regard to safety and justice? When the Abolition Bill was introduced, Mr. now Lord Stanley had stated, that negro labour was to form part of the compensation to be given to the planters, and he could not see how a resolution solemnly entered into by the Parliament of this country could be altered. He thought, also, that many of the evils in the practical working of the measure would be remedied by the arrangements of Lord Glenelg's bill, which would give an honest and immediate relief to the abuses which had been pointed out, and the remedies proposed by that bill had the merit of working independently of the local legislatures; and he thought, that under this good government, the intervening time might be well employed in preparing the negro in comfort until the last shackle should fall from the limbs of the slave, and he should enjoy that perfect freedom to which every man was entitled.

Sir *H. Verney* said, there was another reason, besides those stated by the hon. Member who had just sat down, why he should support the course taken by her Majesty's Government upon this question. He thought that this country had been guilty of as great a crime as had ever been committed, and a crime which would never be effaced by the mere shortening of the term of apprenticeship, when it had allowed the importation of slaves into its West-India colonies; and that, without effacing the crime by the immediate emancipation of the negroes, this country would thereby lower its position, and be enabled to take a less firm position with the colonial legislatures, and would be less able to compel those legislatures to pass the necessary laws for securing the perfect freedom of the slaves, than if it maintained the act as originally passed. The object of the Legislature should be, by securing the good will of the planter, to promote the permanent interest of the slave. The present proposition was well calculated to throw odium on the Government, and to alienate the good-will of parties in the colonies from the Ministers who had ably and zealously co-operated with the country in striking the shackles from the slave: such an effect the motion was intended to have; such an effect it might have, because he believed, that her Majesty's Ministers would enter upon no such consideration, and that no thought of that kind would make them shrink from what they thought to be their duty; and that they would not give way to any immediate or personal interest, but would look to the good of the country generally, which all ought to support. It was thought, also, that a possible majority on this motion might have the effect of displacing from office that Government to whom belonged the honour of destroying the great curse of this country, negro slavery. This honour, however, would not soon be forgotten, and the Ministers, he was sure, had deemed it greater than any emoluments to be derived from office. This was the effect which the motion was intended to have. [*Oh, oh! and No, no!*] He heard cries from some Friends near him disclaiming such intention; but did they suppose, that it was on the consistency of enemies of negro slavery that he meant to cast censure? far from it; but if he cast any censure it was upon those who, having been the supporters of those who have all their lives been opposed to emancipation, now took advantage of the present proposal to obtain a little popularity in the country, and to strike a blow and inflict an injury on her Majesty's Government. It was true, that the course which he was taking demanded a sacrifice on his part in differing from many individuals for whom he felt great respect, but he did so because he was satisfied, that the motion was made without any regard for the safety or advantage of the country, and only to obtain some temporary popularity at the expense of Ministers. In conclusion, he would say, that if he did not believe, that the vote which he proposed to give would benefit the cause of the slaves, he could assure the House, that no party feeling or bias could induce him to vote in opposition to the motion of the hon. Baronet.

Mr. *Smith O'Brien* said, that this seemed to him to be one of those occasions on which the Government might sacrifice the principle which they had laid down, in order to obey the voice of the country, and the voice of the majority of this House. He thought, that the arguments of the opponents of the measure resolved themselves into two considerations, one of which grounded itself on the alleged contract of 1833 between this House and the West-India planters, by which a compensation was given by this country to the planters, which it was contended consisted of a sum of money, as well as of the services of the slaves for a certain term, to which the right of the planters could not be contested. The other argument seemed to be, that no adequate case had been made out against the present working of the apprenticeship in the colonies. He could understand, that in a country like this there might be a great tenacity of the regulations made by Parliament, and that too great jealousy could not be exercised in order to secure the preservation of the national faith; but he was at a loss to understand how a deliberate act of the Legislature could be construed into a contract, because he conceived, that in order that it should be a legally constituted contract there must be two parties to it. Here, however, such a state of things did not exist, for there was the Parliament alone which acted as arbitrator between the contending claims of the negro and of the West-India planter. With regard to the question of compensation, if it should be contended that in the event of the abolition of the apprenticeship system, that which had already been given was insufficient; he, for one, was ready to go into the whole question, but he would never accede to the proposition that any part of the liberty of the negro should be taken as a part of the compensation given. The apprenticeship system was created solely, in his opinion, for the benefit of the negroes, and in the Act which had been passed, that was the reason recited for its adoption: it could not be said, then, that it was a part of the compensation, for the real object was to afford proper means to the slaves to pass from a state of slavery to one of freedom in such a manner as that they might be calculated to enjoy the improved means of existence afforded them. During the last discussion on this question, the hon. Baronet, the Under-Secretary for the Colonial Department had said, that the House should not listen to the statement made by persons whose imaginations were heated by the scenes which they professed to have witnessed, but that hon. Members should refer only to the official documents, and on them should rest the opinions which they formed. He had adopted the suggestion of the hon. Baronet, and he was bound to declare his belief, that, so far as Jamaica was concerned—and there was reason to believe that the system was productive of equally bad consequences in other colonies—no disinterested man could look at the facts which were proved without coming to the conclusion that the Colonial Legislature, the stipendiary magistrates, and even the minor functionaries, had been leagued in one common attempt to annul and render useless the provisions of the Emancipation Act. As regarded the condition of the apprentices, it appeared to him that it was worse even than that of the slaves. Formerly, it was the interest of their owners to see, that they were properly fed and taken care of, but now an extent of labour was exacted from them greater than their bodily strength would enable them long to sustain, while their allowance of food was decreased, and they had, in many other respects, been placed in a position infinitely worse than that in which they were as slaves. The same observation applied to the women and children, who were tasked beyond their powers, because their inhuman masters no longer had any interest in keeping them in health, and because, therefore, their only object was to procure as much work from them as was possible. Nor was this system confined to the planters alone. The special justices had made themselves the tools of the planters; and so long as they continued to obey their wishes and views with reference to the unfortunate negroes they were welcomed with kindness and hospitality. If, however, on the other hand, they should persist in carrying out the wholesome provisions of the statutes for the protection of the apprentices, they became immediately the objects of obloquy, and they were hunted down and persecuted, and made the subjects of civil actions, and instances were even known in which, having applied to courts of justice, justice had been denied them. With regard to the punishment of the slave, he found, that the slave for any dereliction of duty, or improper act, was subjected to punishment with the lash; while the master, on the other hand, for any act of impropriety towards the slave, was liable only to a penalty not exceeding *5l.* in amount; and although, in some instances, the slave was compelled to give extra services to his master, yet, in no instance, was any portion of the penalty inflicted on the master appropriated to the benefit of the slave. Then, again, let any man look into the system of workhouses, and he would venture to say, that he would find in that alone matter such as, if it were dealt with by one skilled in eloquence, would be sufficient to rouse all the feelings of humanity against it, and to induce every hon. Member in this House to raise his voice against a system so horrible. He did not propose to go into minute details, but he found cases in which men, and even women, were put to work, and being unable, as the phrase was, "to dance the mill," they were tied up by their wrists and allowed to hang there by their arms till they fainted, and even in some instances until they died. He had derived these facts from the papers referred to by the hon. Baronet, and even these were not all that he had learned. With reference to the hours of labour, the recommendations of the Government received no attention; and although it was admitted on all hands that the nine-hour system was more advantageous for the apprentice, inasmuch as it afforded him an extra holiday on Fridays, yet the planters persisted in retaining the eight-hour system in opposition to the wishes of the Legislature as well as the interests of the apprentice. He would ask the House, then, was this the state of things which had been purchased by the people of this country?—and was there one man in the House who would consent to be a party to the continuance of such a system for one hour longer? He was quite sure that the immediate abolition of slavery in all its forms would do no harm, and he was quite sure that until that step was taken, there would be no happiness and no peace for the unfortunate apprentice. The necessity of preparatory enactments had been talked of, but he was quite confident that the necessity for them was not so pressing but that it might be dispensed with, although he must admit, that some such preparation would be advisable; still, however, such a reason ought not to weigh with the House when a measure of such vast importance was under consideration, but they should suffer all those minor details to be more fully considered when the time should arrive at which they were required. It was on these grounds that he was determined to give his support to the motion of the hon. Baronet opposite; and, on these grounds, he called on any hon. Gentleman who might entertain a doubt on the subject to give the motion the benefit of that doubt, and to vote in its favour.

Mr. *W. Roche* supported the motion, and would refer the House to the state of Antigua to show that so far from any danger being likely to result from immediate emancipation the effect would be quite the contrary. He was sure the Government was actuated by the best motives with respect to the negro apprentices, but it was exceedingly difficult for the most vigilant Government to see that the engagements entered into by the slave proprietors from whom they were distant 3,000 miles, were executed. He certainly should vote with the hon. Baronet if the motion were pressed to a division.

Mr. *Hume* said, that, although the debate had hitherto proceeded in a very languid manner, yet the subject was one of the very first importance connected with the interests of this country. It might be considered that the deliberate opinion of Parliament having been taken on the subject already in the course of the present Session, the question was of so little importance as to induce many hon. Gentlemen to stay away from the House this evening; but the question having been brought forward, he thought that as he was unable to support the motion of the hon. Baronet, he was bound to state his reasons for supporting the view taken of the subject by Ministers. He could not but express his satisfaction that in all the discussions which had taken place on this subject no person had been found who was bold enough to stand forward to say that the slavery system was one which should be continued. Every man had reprobated that system, and he was convinced that the situation of the House since 1833 in reference to the question, was such as to induce every hon. Member to wish that some means should be taken to secure a final adjustment of the question on the most advantageous footing. He did not forget that he was a party to the Act of 1833; but he must express his conviction that the Government had done all that was in its power to carry out the measures of that enactment. The question was, whether the intentions of Parliament had been frustrated, and if so, what should be done. He had heard with deep regret, of many instances of individual cruelty; but he was not able to find, that there had been an indiscriminate violation of the Emancipation Act. On the contrary, those instances to which he had alluded seemed to have been received with general reprobation. The result of his observations was, that the cases of violation of the Act did not form anything like the majority of cases. If, then, this was the case, was it just that they should overturn the compact made for the benefit of the negro? If they broke the agreement that was made with the colonies, would the result not prove detrimental to the negro population? They had made a solemn promise, that the state of apprenticeship should be continued for a certain time; and they had pledged themselves that this should be observed by this country. The colonies had at once assented to the agreement, and they had repeatedly been assured by the Government that they would not interfere further than by endeavouring to promote every measure connected with the future welfare of the negroes. He was of opinion, that it was the duty of the Legislature not to lend themselves to a proposition of this kind, which involved a sudden change without making adequate provisions for the consequences that must ensue. He did not intend, by these observations, to cast any reflections on those who demanded immediate emancipation; on the contrary, he was prepared to bestow every praise, on the Quakers in particular, for their exertions in the cause of humanity, but he thought that the Legislature should be slow in lending themselves to the opinions of those who were excited by their feelings, and who believed the reports which they had received from the colonies, but which had been greatly exaggerated. With regard to the existence of abuses, he could not shut his eyes to the evident existence of the grossest abuses for a long time in this country, where there were laws to protect all classes, and where public opinion was so strongly expressed; therefore he was not at all surprised to hear of outrageous proceedings occasionally occurring in the colonies; but every desire had been manifested by the Government and the colonial authorities to put a stop to these objectionable practices. At any rate, it was the duty of the Government to take care to prevent any future abuses existing in the colonies, and if any should now be found to exist they should at once be put down. The hon. Member then read a number of extracts from the report of the Anti-Slavery Society, with the view of showing that where abuses existed, the Government had always, on complaint being made, shown a disposition to put them down. The inference he drew from all that he had read on this subject was, that the Legislature should be extremely cautious in taking any hasty steps such as were involved in the present moment. If the Act that had been passed was not found sufficient to protect the negroes, let them at once proceed to make a more stringent law which could be readily enforced. He agreed that they had not gained all that had been anticipated by the appointment of special magistrates; this, he believed, had chiefly arisen from the circumstance that they had not been able to induce a class of persons which they expected would be willing to do so to undertake that office. This, however, was a failure, rather from the want of adequate means that could be employed, than from intention. He was most anxious to fulfil those engagements which had, as he thought, much to the honour of the country, been entered into in 1833, and he never could agree that they should be broken in the way now proposed. Would it be for the advantage of the negro population in the West Indies that the present arrangement should be set aside? What would be the result of, even in this country, at once breaking the ties between master and servant? Would it not be to cause a great deal of distress to the latter? Under these circumstances, he was anxious to see oppression removed in all parts of the empire; and, although, there were many acts of the Government which he disapproved of, he had no doubt that they had a sincere desire of enforcing the Act of 1833.

Mr. *E. L. Bulwer:*[*] Sir, I do no dispute the good effects produced by the agitation of this question without the walls of Parliament. I agree with my hon. Friend, the Member for Wolverhampton, that agitation without is often the result, and the corrective, of indifference within. It is an excitement of which no man can complain, unless he complains of the strongest instincts and the holiest sympathies which Providence has implanted in our nature,—it is the excitement which in all ages has existed where Humanity could lift its voice against Oppression—it is the agitation which never can be allayed in a free and generous people, while they feel for the sufferings which they have it in their power to relieve. To deprecate agitation in the cause of men who have been wronged, is to mourn over all that is active in virtue—over all that is charitable in religion. But though I rejoice in the almost universal feeling which exists upon this subject, and which makes the people of England more anxious, more importunate, more resolute, in behalf of others, than they have ever been in demanding justice for themselves, I am not insensible of the disadvantage under which those who agree with me labour on this solemn occasion. The agitation that may swell the number of votes in favour of our motion, diminishes the influence of the arguments by which it is supported. Too often jealous of our rights as deliberate legislators, we forget our first character of responsible representatives; and where a man is supposed to be influenced by his constituents, we are inclined to doubt the sincerity of his own opinions—as if Truth were discovered only by individuals, and lost in its value in proportion as it penetrated the multitude. I know—I painfully feel—this disadvantage in your secret prepossessions; the friend of the negro, in these walls, addresses a languid audience; and it is almost a hopeless prayer when I ask for that patient and unprejudiced attention which you have refused to men whose abilities would, on other subjects, have enforced the claim. I enter not into the abstract inquiry, whether there was a contract with the planter, or whether we only passed a law with conditions attached to it. Heaven forbid, that England should resort to casuistry whenever there is a question of her faith! I allow at once that the honour of Parliament was pledged to the planter; [*Hear !*] ay, but are there no other parties in the bond?—our honour is pledged to the planter, but it is pledged with no less solemnity to the negro-population, and to the British people, whose gold we obtained upon the most explicit promises—upon the most definite understanding. Those promises and that understanding were, first, the English Act of Parliament, which announced that slavery should cease, and, secondly, the speeches of the Government in explanation of that Act,—especially of the noble Lord, the Member for North Lancashire, in which he declared, that after the passing of that Act, 'every slave should enjoy every right and every privilege of a freeman, subject to this restriction only, that he should, for a certain time, remain under contract to labour industriously in the service of his employer.' Now this is the question from which the opponents to the present motion shrink. They talk of preserving a compact and keeping faith solely with one party—the planters—and seem quite to forget the two other parties to whom they had given equal promises with whom they had entered into equal obligations — namely, the negroes and the English people. Has faith been kept with the two last; have the promises of the noble Lord been fulfilled? The hon. Baronet, the Under Secretary for the colonies, says—yes, by the majority; he says, that "in the great majority of instances there has been on the part of the West-India proprietors a *bonâ fide* adherence to the spirit as well as to the letter of the Emancipation Act." But I contend that the act or the compact has been violated, not by a minority—not even by a small majority, but by the whole body of the planters in every colony where legislative assemblies exist. For how can nation deal with nation, or a mother country with her colony, except through the medium of the legislative assemblies in those places where legislative assemblies exist? When you suspended the constitution of Canada you said, justly, that it was not so much on account of the revolt, as because of the conduct of the Legislative Assembly. The Assembly, where it exists, is the legitimate organ, not of a minority, not of a majority, but of the whole community which elects its members as agents and trustees. Well, then, is it not of the Legislative Assemblies freely chosen by the white population —the voice of all the planters—that your governors the most bitterly complain? For the Assembly of Jamaica, containing the largest slave-population of all, you have not a word of defence. You have the evidence of your own governor that that assembly violated the law or the compact in almost every particular—in the hours of labour, in the allowance of food, in the flogging of females. You have Lord Sligo's evidence not only that the members of that Assembly violate the law or the compact, but that when the violation is pointed out, they do not pay the smallest attention to his remonstrances. Mr. Jeremie, in the appendix to the report of the select committee on negro apprenticeship, after comparing the Jamaica Act with the English Act, states (p. 5 of the appendix) that "nearly every one of the enactments of the Jamaica Act is directly opposed to the spirit and letter of the British Act, and therefore that they are legally null and void *ab initio.*" Who is Mr. Jeremie? Why, the prime, favourite, selected, panegyrised authority of the Government. Mr. Beldam, after analysing the Jamaica acts, states, "that the passing of the act No. 3, and the subsequent conduct of the Jamaica House of Assembly on the question of the revival of the act No. 2, which, notwithstanding the remonstrances of the home Government and the colonial Governor, had been suffered to expire, removed all further motives for delicacy in treating with this refractory colony, as it plainly demonstrates the want of good faith, so long and so loudly complained of by the friends of the enfranchised negroes. It now remains to be decided by a competent tribunal whether laws of the character already exhibited in the preceding analysis are to be accepted as an adequate and satisfactory fulfilment of the conditions upon which twenty millions sterling have been paid by the mother country?" And is Jamaica a single instance? No! Pass on to page 83 in the same report—we come to Barbadoes. "The Barbadoes abolition acts, even in their amended form, exhibit most of the glaring defects already notice in the Jamaica abolition acts," these defects being nothing more nor less than violations of the English law, in other words of the mutual compact. But are Barbadoes and Jamaica solitary instances? Not so. For the same authority (your own authority, mind) goes on to state "that the laws of nineteen colonies, in many respects equally objectionable with those already commented upon, must undergo the same inquiry." So, then, not by individuals, not by minorities, but by the constituted delegates of their whole bodies the planters have been guilty of systematic, general, deliberate, formal violation of your boasted compact. Even in the first flush of their pecuniary triumph, with the British gold yet heavy in their hands, with the ink scarcely dry on the Imperial Act, we behold these men making their own assemblies the systematic defeaters of the law and the fraudulent violators of its conditions. Well, but are the legislative assemblies the only criminals? Where next should we look to see if the planters have broken faith as a body? Not to individuals; no; but to their subordinate authorities, their officials—these are the next representatives of their opinions and conduct. What does your favourite Mr. Baynes say (Part IV., p. 314) of the local magistrates? Why, that "the illegal commitment of apprentices to the house of correction by the local magistrates is a practice prevalent throughout the island of Jamaica, though a manifest violation of the first principle of the abolition law." What can we say of a coroner's jury who, in the celebrated instance of the woman tortured to death at the treadmill, returned a verdict—"Died by the visitation of God?" What can we say of constables, generally selected for their qualifications as slave-drivers? What of grand juries, charged by Sir Lionel Smith himself with disregard of their oaths? The fact is clear, from the highest to the lowest, the officials are not dispensers of law, but the legalised tools and instruments for consummating oppression on the negro, and completing the fraud upon British credulity. But, well said the seconder of the motion in that acute and luminous speech which, if it fell cold on the House, would not fall cold on the country — well said the Member for Wolverhampton, that we could not want a stronger proof of the universal violation of the compact than your own bill, which is to be universally applied. What does your bill propose?—merely to enforce the former act, which in all its provisions had been invaded; and what was that act, but the parchment of the very contract upon which you insist? I then throw back upon you your own assertion of breach of faith. I assert that with the planter we have kept faith; that there was no adulteration, no paring and filching of the gold he received; perfect it was in tale and weight. You have kept faith with the planter; but I tell you with whom it is you ask us to break faith—with the thousands and tens of thousands whom you mocked with the name of free—with the majesty of the Imperial Parliament, whose acts have been trampled under foot—with the people of England, who paid their millions, not to abolish the name slavery, but the thing slavery. You ask us to break faith with justice, with humanity, with Heaven itself, in order that you may keep faith with Mammon. But the hon. Member for Newark, in that speech the ability of which is above all praise—but the arguments in which are happily not beyond all reply, claims exemption for British Guiana! Barbadoes, Jamaica, the Mauritius, you cannot exonerate or defend; the first lawyer in England (Sir E. Sugden) has allowed that Jamaica violated the compact. Well, then, what is Jamaica? Why, the colony possessing the largest slave-population of all. Jamaica has four times the slave-population of Guiana; Barbadoes has nearly the same population as Guiana. What, then, if we were to meet the Member for Newark at once by making him a present of Guiana? What if we were to say, This is but one colony; it is subordinate to Jamaica, the colony which it is impossible to excuse. Its population sinks into absolute insignificance when to Jamaica you add Barbadoes and the Mauritius. Grant that Guiana is immaculate—grant that your facts are true—and still the innocence of one colony is never to be held as an exemption for the guilt of the others—or at most, all you can do is to make a special case for Guiana; and I call on the House to observe, that all the hon. Member can say on that subject may be at most to vindicate one colony; but till he has proved Jamaica, and Barbadoes, and the Mauritius innocent, he cannot prove any thing against the passing of the present resolution. But is Guiana innocent? The hon. Member for Newark on a former night complained of *ex parte* and unproved statements. Did he indulge in none himself? Have not some of his facts—have not most of his deductions—been denied in public meetings, and in the face of day—denied by eye witnesses of the state of Guiana—denied by references to Parliamentary documents?—[Mr. *Gladstone* shook his head and smiled.]—Ay, and though it may suit hon. Members to sneer at the zeal of the friends of the negro, I say that, according to all the laws of testimony, it is more likely that men having no sinister and selfish interest to serve will give more faithful accounts, than the planters, who have a direct personal interest to bias their judgment. I grant, that in Guiana the negro is much better off than in Jamaica. I grant, that it is the colony in which slavery seems least odious. But is Guiana innocent? Has not Guiana violated the law? Has it not invaded the contract? Listen again to your own beloved authority in the report upon the system of apprenticeship. Does not your own analyst assert that in many most important points the British Guiana Act violates the compact, that is the Imperial Act, for the Act and the compact you allow are one and the same:—"The power of inflicting unlimited extra labour as a punishment for grievous complaints is repugnant to the Imperial Act, and would of itself explain much of the apparent content of this colony." So again, sections 9 and 10—"These classes contain direct infringement of the rights of manumission, and are plainly repugnant to the Imperial Act." But is this all? I will concede to the hon. Member, that punishments in Guiana have greatly decreased of late. But in the returns before the House, the third table, from the 1st of June, 1836, to the 31st of May, 1837, gives a total of punishments of 7,596, which averages one in every nine apprentices throughout the colony; and if you will compare this with any return from Jamaica for that or any other year) you will find it (compared to the relative populations) equal in the average to the number of punishments in Jamaica; viz. to the most barbarous of all the colonies. But punishment has decreased since. Yes! and why? I call in Sir James Carmichael Smyth, who is your authority for maintaining the apprenticeship, as my witness for its abolition—because (accordingto Sir James Smyth's uniform testimony), not of the leniency of the planters, but because of the exemplary conduct of the negroes. He tells you, that whatever complaints have been made against the labourer, it has appeared on investigation, that the fault arose from the fraud or illegal exactions of the planters. He asserts, that in no part of the globe are the labouring population more peaceable, more industrious, than in Guiana. In his speech of January, 1836 (2. Part III, p. 120), he says, "I ask if any Gentleman can point out any part of his Majesty's dominions where fewer crimes are committed, where greater tranquillity is enjoyed, or where the labouring population is more industrious?" Well, will the House believe, that in the very year—the very month—in which he pronounces this eulogium on the population, the returns of punishment—yes, in that very month of January, 1836—amount to 922, which would give an average of 11,064 for the whole year, being nearly a sixth part of the whole population—a population thus industrious, thus orderly, thus free from crime, and yet thus punished under the orders of the special magistrate. Oh, blessed inversion of all the laws by which society redeemed from barbarism is bound! Behold the maximum of punishment accompanying the minimum of crime! What do Sir James Smyth's statements prove? Why, that this admirable population is fit for liberty, and every word in favour of that population is a testimony in favour of the motion before the House. We remember the effect produced by the Member for Newark, when he told us of the slaves on an estate clubbing together, and sending to their white brethren in these realms who were in distress, the contribution of their savings. And when I heard that touching instance of humanity and beneficence in those poor negroes, I did compare them with us; I did ask whether those men had not proved themselves by that very act fit for emancipation, and I blushed to think that the genius of one of our ablest Members was at that instant citing their very virtues as an argument for their continued degradation. And you assert that the slaves are not fit for immediate freedom! Will two years of additional misery render them more fit? What a school for liberty you found and defend!—treadmills on which females are tortured for twenty hours at a stretch—dropping from that wholesale rack, bleeding, mangled—exhausted—dying; hospitals for the sick characterised by such inventions as Spanish cruelty may have hatched in the Inquisition, for the prisons of the guilty;—dungeons more desolate and fœtid than feudal tyranny ever built in ages when liberty was a forbidden word;—the pitiless planter—the brutal overseer—the iniquitous judge—the perjured jury—the blaspheming coroner—the slave-driving constable;—oh, what noble aids and appliances, what tutors, and what text-books for the education of destined freemen! Not fit for liberty, when in Guiana your governor tells you that there is no more improving and industrious population—not in the colonies alone—no, but in all her Majesty's dominions. Not fit for freedom, when in Jamaica your own special magistrates declare, that in respect for the law, and in religious sentiments, the negroes are superior to the planters! Not fit for freedom!—Let the new freemen of Antigua answer the calumnious charge! There you have at once, the comparison and contrast between apprenticeship and emancipation. Say what you will of apprenticeship, you must confess, at least, that the experiment has failed of entire success—say what you will of it, you confess the hardship, the cruelty, the injustice, the fraud which it has failed to cure. But will one of you dare to tell us that immediate emancipation has failed in effect—that there is one stain of human blood upon the Act of Antigua, which made men free? Is not Antigua a fair instance?—you slur it over—you pass it by. What is Antigua? a colony possessing but a handful of whites—a whole population of negroes. Property and life were at the mercy of the enfranchised slaves. Look to the result. Not an estate abandoned; not an outrage committed; not a hair on the white man's head that was not sacred! Danger from the free negro! Why, in Antigua, who are the police themselves?—who are the constables?—Negroes; and if there be no danger in Antigua, where the whites are so few, and the negroes so numerous, how can there be danger in Jamaica, where the white population could at any moment master any insurrection of the blacks? But would you insist still on some mystic differences between Antigua and Jamaica? Would you still say, that the parallel is not fair? would you still assert that emancipation, safe in Antigua, would be perilous in Jamaica? Well, then, I nail you to Jamaica itself! What does Sir Lionel Smith, in one of his last dispatches, November 13, 1837—what does he tell you? Why, that so far from the Jamaica planters thinking there would be the least danger in emancipation, "all parties would agree to abandon the system to-morrow for further compensation." But we are not provided with laws for the apprentices after they become free, and they will be in a worse condition if you emancipate them than they are now. Oh, how this argument condemns the colonial government, for are you not going now to emancipate the non-prædial labourers? On the 1st of August, 1838, you will turn loose on society, thousands and thousands of men absolutely and abruptly made free. Where are the laws to provide for them? And you cannot draw any distinction between them and the prædials, without also condemning yourselves. For though no laws are passed, you have been yet recommending to the various states to enfranchise the prædials. The Isle of Nevis has already done so, Tortola will follow the example, Dominica and Grenada appear disposed to obey your wishes; and if, therefore, your argument were good, you yourselves would have recommended the very measure which you tell us would be more injurious to the negroes than the present system. But then you say there is a difference whether the colonists do this of their own accord or whether we compel them to do it. And how does Barbadoes (the third greatest slave colony) meet this assertion? Why, the House of Assembly tells you, that it would be placing itself in an onerous position with the British Parliament, were it to supersede by an act of its own, one of the most important provisions of the abolition law, and thereby assume to itself the responsibility of a measure which could be carried into effect with more safety and with greater chance of success by that august body. The fact is, that the very colonies that hold out are the very colonies that have most insulted the mother country, most duped the English people, and most flagrantly violated the compact. And they hold out avowedly in the hope of extorting a large ransom, and doubling the pieces of silver they have already received as the price of blood. It is not to them—it is to us you owe an account; we have paid the ransom—it is for you to obtain the redemption. Farther compensation!—yes, indeed, by your act, your compact, farther compensation *is* due. Compensation, not to the planter—*he* has been paid in full; but compensation to the people of Great Britain for wasted millions, for violated faith! Can the Under-Secretary for the Colonies, can the Member for Newark, rise and tell us that we have attained the object for which we counted out our gold? Can you tell us fairly and boldly that this apprenticeship has been that mild and hopeful interval between slavery and freedom which you contemplated when the Act was proposed? Can you tell us, that if we had possessed the gift of prophecy, and foreseen with what records these Parliamentary documents were to be filled—can you tell us, that one man in this House would have dared to insult the English people with the proposition of purchasing such a system at such a cost? Will the noble Lord, the Member for Lancashire, say, on the pledge of his reputation and his honour, that when he made this bargain for the English people, he anticipated this species of fidelity from the planter? In these despatches, these reports, these tables of hideous affliction, these summaries of the monthly average of human groans, can he find the rigid fulfilment of that promise which he made to the millions who hung upon his word, "that the slave should retain no taint of his former servile condition," and called upon the name of Wilberforce to attest the promise, and to sanctify the deed! Yes, to us compensation is indeed due; but if to us, how much more to the negro!—No, not to *him*—the very magnitude of his wrongs denies even the possibility of compensation? No gold can buy back to him the agonised years already wasted since that act of mockery was past; no gold can buy back human life itself! Will twenty times twenty millions compensate to the son for the mother who has died beneath the torture, and whose very death the officers of planter-justice have imputed to the visitation of God?—compensate to the mother, who in the very agonies of childbirth found no exemption from the grinding toil and the lifted scourge, and who has been robbed of a hope, cherished, perhaps, amidst all her own anguish, of giving birth to an offspring happier than his sires? No! we cannot demand compensation for the negro—we cannot call back the past. But justice and sympathy for the future—*these* at least are in our power! But only two years remain. Why, you ask, make this stir and commotion for two years—two little years? What! are two years nothing in the life of man? Do we not know—we who have constituents—that when one individual in whom those constituents are interested, is tried, found guilty, condemned, sentenced to the prison or the hulks—do we not know what interest is made to strike two years from the term of punishment? Two years of loss of liberty, two years subjected even to the discipline of responsible and mild control—what efforts do we make to save a fellow-creature from that affliction! But now we ask the boon, not for one man, but for thousands—not for guilt, but for innocence—not for exemption from legal penance, but from irresponsible oppression! Complete the picture—add to the loss of liberty all the whips and stings which power can inflict on weakness, and, then, will you dare to tell us that two years are nothing in the aggregate of human existence? You say this system shall not be abolished; but will you explain to us how it shall be continued?—continued in defiance of the loud and indignant voice of the English people. How can you expect security, and peace, and order, when the negro on one estate sees the negroes on another (no better than himself) are free, when father and son are separated by your unintelligible verbal barbarisms of prædial and non-prædial—when you yourselves are recommending their legislators to emancipate them, and when, if they were to rise (which heaven forbid) you would not dare to interpose a military force from this country between mutual massacre and revenge? And the colonial government hope that the parchment of the act passed through this House will serve to remedy all evils. If so, why do you urge upon the colonies the propriety of immediate emancipation? But you know it cannot. Four sheets of paper never yet built a wall between tyranny and weakness. Your bill devises two remedies:—1st, you propose to give to proclamations the force of law; secondly, you arm your special magistrates with new authority. As to proclamations, your own governors tell you that the planters laugh them to scorn. As to giving them the force of law, law itself is a dead letter, when the public opinion of those on whom it is imposed does not breathe into it the only principle of life it can receive. Special magistrates! why, what have they been? Either the mere tools of the planter, or else, where they have been the friends of the negro, they have only succeeded in embroiling matters, and exciting false hopes in the negro, new tyranny in the planter. Take the case of Judge Palmer. He was superseded: for what offence? Will the House believe it?—because the Commissioners of Inquiry declared, that "he administered the law in the spirit of the English Abolition Act, and that the present state of St. Thomas-in-the-Vale was to be attributed to such a mode of administering the abolition law." So, here is a special magistrate condemned and punished for administering the law in the spirit in which we framed it, and according to the object for which the English people paid their gold. But few magistrates commit the same offence and incur the same fate as Judge Palmer: oh no, I find the *Jamaica Standard* (the organ of the planters) loud in praise of special magistrates as men who have done their duty, and calling upon the planters to contribute money to the widows and families of such of them as have died. See then on one side the special magistrate who befriends the negro, harassed by commissions of inquiry, calumniated by the planter, abandoned by the Government, superseded solely for the offence of keeping faith with England—and behold on the other side, the special magistrate who lends himself to the planter, who reports in his favour—who applauds the system and vindicates its instruments, quoted by Ministers as an admirable authority—admired by planters as an exemplary judge—praised and flattered—patronage here—pensions there—and can you doubt for an instant on which side your dispensers of law will lean? Depend upon it, all attempts to relax and mitigate slavery are hopeless and absurd. There are no ways of patching up the everlasting distinction between slavery and freedom; all that you can do is to diminish the interest of the planter in the health and life of the negro, and leave the wretch more exposed to the jealousy, because more obnoxious to the fears of the tyrant. I cannot understand this one-sided niceness of conscience, this terror of violating by a hair's breadth your compact with a planter, and this deaf and blind indifference to the equal obligations due to the other parties of the compact, the negroes and the people of these realms. You know that our law, which was the compact, has been violated in all the colonies; you know that the English people have not got that for which they paid their money, and yet you give up the rights of two parties for the sake of the third, you betray the innocent on behalf of the guilty;—you see no justice but where you confess oppression;—you venerate no sanctity but where you discover fraud! The hon. Member for Newark would represent the planters as men equally merciful and maligned. [Mr. *Gladstone:* No.] What! did you not attempt to defend their general conduct; to prove them innocent of the charge of cruelty?—if you did not, where is the answer to our accusations? But if you did, what then? Is it not the old reply to the earliest advocates of emancipation? Let not the House be carried away by assurances that the planters are merciful masters, and injured men:—such were the assurances, with which Wilberforce and Clarkson were met at the threshold of their great design. Had Parliament listened, in former years, to such declarations, with the same respect and cordiality with which it greets them now, Wilberforce would have lived in vain! I accuse not the planters; I accuse the system: men are but the tools of the circumstances that surround them. Where tyranny is made legal, I execrate the tyranny, but I acquit the tyrant. You have heard from me no individual cases, branding individual persons—you have heard from me no doubtful references to anonymous authorities. My charge is against communities, not persons—my facts are in the books you appeal to as undeniable records. If the despatches of your governors, if the reports of your magistrates, if this whole mass of parliamentary evidence be not one lie—I tell you that your arguments against this motion are shivered to the dust! I have proved, that not individuals, not minorities, but (where legislative assemblies exist in your colonies) whole communities have been, from first to last, invaders of your law, violators of your compact. I have proved that faith is due, not to the planters, but to their victims and their dupes. I have proved that there is no danger in the course we recommend—proved it by reference to actual experience in Antigua, to the assertions of your governor in Jamaica, where all parties would abandon the system for compensation—proved it by your own recommendations to the colonies. Answer all this if you can; if you answer it to your satisfaction, you belie your governors, you impeach your witnesses, you condemn yourselves. Year after year, and Session after Session, we debate on the mere forms and ceremonials of our religion, whether this oath may be abolished—whether this distinction may be removed—whether by one law or by another we can best preserve the husk and shell of religion—its ecclesiastical establishment; I honour all men's consciences upon these points; but here we come to the fountain of Christianity itself—its all-protecting brotherhood, its all-embracing love. When scholars and divines have summed up the blessings that our common creed has conferred upon mankind, first and foremost of those blessings they have placed the abolition of that slavery which stained and darkened the institutions of the Pagan world. I know of no Pagan slavery worse than this Christian Apprenticeship. Here, then, we fight again the same battle as our first fathers, the primitive Christians, from whom all our sect and divisions have emerged. Here is a ground upon which Catholic and Protestant, and the wide families of dissent, all may unite; and I do believe that he who votes against this dark hypocrisy of slavery in disguise will obtain something better than the approval of constituents—something holier than the gratification of party triumph and political ambition—in the applause of his own conscience, and in those blessings that will not rise the less to the Eternal Throne because they are uttered by the victims of human avarice and pride.

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[*] From a corrected report, published by Saunders and Ottley.

The House divided:—Ayes 96; Noes 93: Majority 3.

List of the AYES.

Abercromby, hn. G. R.
Aglionby, H. A.
Aglionby, Major
Attwood, M.
Attwood, W.
Bailey, J.
Bailey, J. jun.
Baines, E.
Barnard, E. G.
Bewes, T.
Blake, M. J.
Blennerhassett, A.
Bodkin, J. J.
Bridgeman, H.
Briscoe, J. I.
Brocklehurst, J.
Brodie, W. B.
Brotherton, J.
Bruges, W. H. L.
Bryan, G.
Bulwer, E. L.
Busfeild, W.
Butler, hon. Colonel
Byng, G.
Cayley, E. S.
Collier, J.
Conyngham, Lord A.
Craig, W. G.
Crew, Sir G.
Dashwood, G. H.
Divett, E.
Duff, J.
Duke, Sir J.
Duncombe, hon. W.
Eaton, R. J.
Erle, W.
Evans, W.
Farnham, E. B.
Finch, F.
Gore, G. J. R.
Greenaway, C.
Grimsditch, T.
Guest, J. J.
Harvey, D. W.
Hindley, C.
Hodges, T. L.
Hollond, R.
Horsman, E.
Hoskins, K.
Humphery, J.
Hurst, R. H.
Hutt, W.
Jackson, Sergeant
James, W.
Jervis, S.
Jones, J.
Langdale, hon. C.
Lister, E. C.
Litton, E.
Long, W.
Lushington, C.
Lushington, Dr.
Mathew, G. B.
Maunsell, T. P.
Meynell, Captain
Monypenny, T. G.
Morris, D.
Muskett, G. A.
Neeld, J.
Neeld, J.
Noel, W. M.
O'Connell, D.
Parrott, J.
Pease, J.
Price, R.
Richards, R.
Roche, W.
Salwey, Colonel
Smith, hon. R.
Staunton, Sir G. T.
Stewart, J.
Strickland, Sir G.
Talfourd, Sergeant
Thornely, T.
Tollemache, F J.
Trench, Sir F.
Turner, E.
Turner, W.
Vigors, N. A.
Vivian, J. H.
Ward, H. G.
Wemyss, J. E.
Wilde, Sergeant
Williams, W.
Wood, G. W.
Worsley, Lord

TELLERS.
Warburton, H.
Wilmot, Sir E.

List of the NOES.

Adam, Admiral
Arbuthnot, hon. H.
Baillie, Colonel
Barry, G. S.
Benett, J.
Blackett, C.
Blair, J.
Bramston, T. W.
Byng, right hn. G. S.
Campbell, Sir J.
Carnac, Sir J. R.
Chapman, A.
Childers, J. W.
Clerk, Sir G.
Courtenay, P.
Curry, W.
Dalmeny, Lord
Darby, G.
Dundas, F.
Dundas, hon. T.
Egerton, Lord F.
Elliot, hon. J. E.
Ellice, Captain A.
Ferguson, Sir R. A.
Filmer, Sir E.
Fremantle, Sir T.
Gladstone, W. E.
Godson, R.
Gordon, hon. Captain
Goulburn, right hn. H.
Grey, Sir G.
Halford, H.
Hawkins, J. H.
Hepburn, Sir T. B.
Hinde, J. H.
Hobhouse, right hon. Sir J.
Hogg, J. W.
Holmes, hon. W. A. C.
Holmes, W.
Howard, P. H
Hughes, W. B.

Hume, J.
Hurt, F.
Hutton, R.
Inglis, Sir R. H.
Irving, J.
Jephson, C. D. O.
Jermyn, Earl of
Johnstone, H.
Jones, T.
Kemble, H.
Knight, H. G.
Lemon, Sir C.
Liddell, hon. H. T.
Loch, J.
Mackenzie, W. F.
Macleod, R.
Mordaunt, Sir J.
Morpeth, Viscount
Nicholl, J.
O'Brien, C.
Ord, W.
Palmer, G.
Peel, right hn. Sir R.
Pendarves, E. W. W.
Perceval, hon. G. J.
Plumptre, J. P.
Power, J.
Rice, right hon. T. S.
Rickford, W.
Russell, Lord J.
Sandon, Viscount
Scarlett, hon. J. Y.
Seymour, Lord
Shelbourne, Earl of
Sheppard, T.
Slaney, R. A.
Smith, B.
Stanley, Lord
Steuart, Lord J.
Stuart, V.
Strutt, E.
Talbot, J. H.
Tancred, H. W.
Teignmouth, Lord
Thomson, right hon. C. P.
Vere, Sir C. B.
Vivian, J. E.
Williams, W. A.
Wodehouse, E.
Wood, Colonel T
Wood, T.
Yates, J. A.

TELLERS.

Labouchere, rt. hn. H.
O'Ferrall, R. M.

Paired off.

FOR	AGAINST
Boldero, Captain	Miles, P.
Sinclair, Sir G.	Burdett, Sir F.
Gibson, Thomas	Leveson, Lord
Pechell, Captain	Maclean, D.
Browne, D.	Fitzsimon, N.
Fitzroy, Lord C.	Howard, Frederick J.
Handley, Henry	Broadley, Henry
Alford, Lord	Hope, G. W.
Sanford, E. A.	Baring, hon. F.
Winnington, Captain	Waddington, H. S.
Townley, R. G.	Price, Sir Robert
Dennistoun, J.	Houstoun, G.
Leader, John T.	Milnes, R. M.
O'Connell, M.	Hayter, W. G.
Evans, —	Bellew, R. M.
Easthope, John	Ellice, right hon. E.
Etwall, Ralph	Rolfe, Sir R. M.
Hill, Lord M.	Smith, V.
Bowes, John	Harcourt, G. S.
O'Brien, W. S.	Fergusson, Cutlar
Scholefield, J.	Bell, Matthew
White, Andrew	Lambton, H.
Brabazon, Sir W.	Conolly, Colonel
Jervis, John	Ingham, Robert
Style, Sir C.	Lynch, A. H.
Chalmers, P.	Lucas, Edward
Ferguson, General	Lincoln, Earl of
Dundas (Flint)	Mackenzie, T.
Stansfield, W. R.	Fazakerly, J. N.
Phillpotts, John	Troubridge, Sir T.
Alston, R.	Howard, hon. W.
Welby, G. E.	Heron, Sir R.
Eliot, Lord	Egerton, W. T.
Maher, J.	Pinney, W.
Round, J.	Hodgson, R.
Somers, J. P	Pusey, P.
Bainbridge, E. T.	Fitzalan, Lord
Berkeley, H. (Bristol)	Grey, Sir Charles
Lennox, Lord George	Paget, Lord Alfred
Stanley, E.	Sheil, R. L.
Edwards, Colonel	Wilbraham, —
Rundle, —	Packe, —
Denison, —	Vivian, Sir Hussey
Chester, —	Estcourt, —
Langton, Colonel Gore	Phillips, G. R.
Seale, Colonel	Parker, M. E.
Ponsonby, (Derby)	Cantalupe, Lord
Fitzpatrick, —	Smith, J. Abel
Martin, J.	

Resolution agreed to.

REGISTRATION OF VOTERS (IRELAND).] Mr. Sergeant *Jackson* rose, pursuant to notice, to move for leave to bring in a bill to amend the law relating to the Registration of Voters and for taking of polls in Ireland. It might be asked, he said, why he had moved for leave to bring in the bill when there was one before the House, brought in by his hon. and learned Friend, the Attorney-General for Ireland, on the same subject. He would state his reasons for so doing. The bill of his right hon. Friend was good, so far as it went; but it was, in his mind, very deficient in some most essential particulars. One of those related to the registration of freemen. The bill introduced by his right hon. Friend, said nothing on that subject; but there were some clauses furnished to the noble Lord, the Secretary for Ireland, evidently by some party who had a deep interest in the matter, which, if adopted, would go the length of disqualifying every freeman in Dublin, by excluding him from the right of registration. Another objectionable part of the measure was that part which dealt with the subject of beneficial interests in the case of persons qualified to vote for land. His right hon. Friend had said, that in the matter of election law it was his intention to make a declaratory clause in the bill for the purpose of declaring what that law was; but as the bill stood, the view of his right hon. Friend was diametrically opposed to the decision of the judges of Ireland, in the ratio of ten to two; so that, in strict fact, the bill was not to declare what the law was, but to declare what the law was not; the usage and custom in Ireland being, that the opinions of the majority of the judges ruled those of the minority. He objected also to the bill, because it made no attempt to assimilate the election law of Ireland with that of England, an object, in his opinion, of a most desirable nature. His right hon. Friend had taken no steps to remedy the evils of the election law in Ireland where it differed from that of England. The bill he proposed to bring in was not only for the purpose of amending the law of registration in Ireland, but also of amending the election law itself. He had authority in favour of such amendment. In the April of 1835, the hon. and learned Member for Dublin gave notice that he would introduce a bill to that effect, but it never came to anything. Four months after the then Attorney-General for Ireland, now Mr. Justice Perrin, assisted by the then Solicitor-General for Ireland, Mr. O'Loghlin, now Master of the Rolls, brought in a bill, having the same objects, and passed it through that House in the short space of nineteen days. Thus he had these authorities to prove the necessity of such a measure, and to bear him out in its introduction. The year following, a bill was brought in by the noble Lord, the Secretary for Ireland on the same subject; but it omitted the most important part, the assimilation of the law in that country to the law as it stood in England. That Bill, however, had not passed, and nothing was done in the matter since, until the 13th of March last, when the right hon. the Attorney-General for Ireland, brought in the measure now before the House. Having stated his objections to the bill of his right hon. Friend, he hoped, the House, if they were not of opinion that some such change as he proposed was necessary, would, at least, give him permission to bring in his bill. By that means, both measures could go together, and, if requisite, each be made the means of amending the other.

Viscount *Morpeth* should naturally have felt, that, as a bill on the subject was already before the House, there was no occasion for another; and that if the hon. and learned Gentleman wished to amend the law, it was competent for him to do so in the shape of alterations in the other measure. But as the subject was one on which there was much diversity of opinion, and as the hon. and learned Gentleman had stated various points of difference and objection to the bill before the House, he thought it the better course to let the whole matter go before the public, and to have the opinion of the House taken on the entire merits of the case. Under these circumstances, therefore, he should offer no opposition to the motion.

Leave given.

THE SLAVE QUESTION.] Lord *John Russell* begged leave to make a communication to the House, in consequence of the result of the division on the question which had lately occupied it, as it might be productive of great evil if the intentions of Government were left in doubt even for a single evening. The resolution just carried by a majority of three, could only be carried into effect by a bill laid before the House, a measure which it would be for the hon. Baronet to introduce, if he thought proper. If such a bill were brought in the Government, would consider it their duty to give it their most strenuous and determined opposition.

BOUNTY ON SLAVE-VESSELS.] On the motion of the Chancellor of the Exchequer, the House went into Committee on the Slave-Trade-Abolition Act.

The *Chancellor of the Exchequer* said, that he had to propose to the committee a resolution on the subject of the Slave-trade, and on which, should it meet with approbation, it was his intention to found a bill. Hon. Members were aware, that, as the law now stood, captains of vessels engaged in repressing the slave-trade, were entitled to a bounty of *5l.* per head on every slave taken on board a slave-ship, provided such slave should be brought to the nearest port alive, and for every slave captured, but who died on the way, a bounty of half the amount per head was granted. The latter bounty, however, was not generally paid. It was quite plain, that it was not merely important to check the slave-trade after it was actually in operation, but to prevent it before the slaves were taken on board. It was also clear, that the service rendered in destroying ships before they had got the slaves on board, was as useful, and even more useful, than capturing them after they had got the slaves on board. The necessary consequence of this service would require, that some reward and encouragement should be given to officers engaged in this service, but who at present were entitled to no reward, unless the vessel had slaves on board. In the bill which he intended to bring forward upon this resolution, it was his intention, with respect to cases where the ships were broken up, to propose a bounty of 1*l.* per ton, and where vessels were taken under the equipment article, to propose a bounty of 4*l.* per ton, instead of the bounty per head at present granted. In making this proposition, he wished to guard himself against any supposition that he considered there was, under the existing law, any indisposition on the part of the officers or men to perform their duty, but he thought that when they did their duty in capturing those vessels before they were enabled to take in their cargoes, they ought to have the same reward as if the vessel was full of slaves. Under these circumstances, he begged to move the following resolution:—"That it is the opinion of this committee, that it is expedient that a provision should be made out of the Consolidated Fund of Great Britain and Ireland to provide a bounty on the tonnage of all ships seized and condemned under the treaties made with foreign powers for the abolition of the illegal traffic in slaves."

Colonel *Wood* did not intend to oppose the motion, neither was it his wish then to go into any discussion of the general question. He agreed in the necessity of some alteration of the law, but he hoped when the right hon. Gentleman introduced his bill he would provide a larger bounty, and such as would be equivalent to the sum paid at present for captured slaves. He was sure that money was the last consideration that would enter into the mind of a British officer, when engaged in the performance of his duty—but when it was known, that capturing vessels before they had taken the slaves on board was a more dangerous service than capturing them afterwards, he thought that the officers engaged in this service ought not to suffer by the proposed alteration. It was calculated that each vessel carried about two slaves for every ton of her measurement, and under these circumstances he trusted, when the Bill was before the House, the right hon. Gentleman would consent to enlarge the bounty in this respect.

Captain *Pechell* wished to know from the right hon. Gentleman, the Chancellor of the Exchequer, whether the tonage was to be taken according to English admeasurement, or according to that of Portugal and Spain? He hoped, that all vessels found on the coast of Africa, and under circumstances which left no doubt of their intention as to slave dealing, should be so considered and dealt with accordingly. He was anxious that this should be so, because according to some of the treaties with some of the powers, there could be no condemnation of the vessels unless slaves were actually found on board. He objected to the plan of the right hon. Gentleman, for if he understood it correctly, it would take from officers of the navy being captors of slavers some of the bounty to which they were at present entitled. If that were so, he could tell the right hon. Gentleman, that overboard his bill would go.

The *Chancellor of the Exchequer* observed, that the hon. and gallant officer could not have heard his remarks, or he would not have come to the conclusion with respect to the object of the intended bill. That object was not to take anything away which captors now received. On the contrary, the bill would be cumulative as far as they were concerned. At present the captors of a vessel equipped for slave-dealing got nothing for the capture unless slaves were found on board; so that if they had been filled with slaves, and that all of them had been thrown over-board before the capture took place, the captors got nothing; but in the measure he should introduce, a bounty such as he had already described would be paid on the capture of vessels equipped for the slave trade. The hon. and gallant Officer had asked whether this was to apply to all vessels so equipped? It would apply to all vessels as well as Spanish and Portuguese ships, and he trusted that the equipment and breaking-up principle would be followed up by some general European international law, which would effectually put an end to this nefarious traffic. As to the conduct of British officers engaged in the suppression of the slave-trade, it never was meant on the part of Government to say a word against them.

Sir *R. H. Inglis* thought, that a bounty of 4*l.* per ton to the captors would be too small, considering that, according to the practice of slave-dealing ships, there were two or three slaves on board to the ton, and as 5*l.* per head was paid for each ton, 4*l.* per ton on the new plan would be too small, and he hoped this matter would be taken into consideration in the progress of the bill, but he was glad of the introduction of such a measure.

The *Chancellor of the Exchequer* said, his hon. Friend should bear in mind, that in addition to the 4*l.* per ton, the captors would receive half the value of the vessel when broken up, &c.

Resolution agreed to.

The House resumed.

HOUSE OF COMMONS,

Wednesday, May 23, 1838.

Minutes.] Bills. Read a second time:—Bribery at Elections.—Read a first time:—Registration of Voters (Ireland).

Petitions presented. By Mr. Cutlar Fergusson, from the Commissioners of Supply at Kirkudbright, by Mr. Sergeant Talfourd, from the Solicitors of Reading, by Mr. Vivian, from Windsor, by Mr. Wallace, from the National Debt Assurance Company, Sun Fire Insurance Company, and other parties, by Mr. Heathcote, from a place in Lincolnshire, and by Mr. Hume, from the inhabitants of Wisbeach, for the adoption of Mr. Hill's plan for charging the Postage of Letters.—By Mr. T. Hobhouse, from the Overseers and other Inhabitants of Aylesbury, by Sir George Staunton, from Portsea, against, and by Mr. Heathcote, from Crowland (Lincolnshire), in favour of the Rating of Tenements Bill.—By Mr. Fleming, from a place in Hants, for an Amendment in the present Poor-law.—By Dr. Lushington, from Devonport, by Mr. Marsland, from Stockport, and thirty other places, and by Mr. Loch, Mr. Finch, and Mr. Dundas, from various places, for the Immediate Abolition of Negro Apprenticeship.—By Mr. Sergeant Jackson, several, from Ireland, for the restoration of the Suppressed Bishoprics.—By Mr. Hastie, from Paisley, in favour of the Sheriffs' Courts (Scotland) Bill.—By Mr. Shaw, from Dublin, against the Irish Tithe Bill.—By Mr. Liddell, from the Dean and Chapter of Durham, that the Bill founded on the Fifth Report of the Ecclesiastical Commissioners might not pass into a law.—By Captain Matthews, from the non-commissioned Officers and Privates of the British Auxiliary Legion, lately employed in Spain, that some measures might be adopted to enforce the payment of their claims on Spain.—By Mr. Sergeant Jackson, from Kilcrony (county of Down), and other places, against the system of National Education in Ireland.—By Mr. Hume, from the Owners and Occupiers of Carlington-mill, at Bradfield, in the West Riding of Yorkshire, praying that children might be allowed to labour for eleven hours in the day.—By Sir E. Sugden, from Mr. William Smith, a bookseller, against the Copyright Bill in its present shape.—By Mr. Blake, from the Grand Jury of Galway, against parts of the Medical Charities (Ireland) Bill.—By Sir G. Clerk, from Glasgow, by Mr. Hodgson, from Newcastle-upon-Tyne, by Mr. W. Duncombe, from five places in the North Riding of Yorkshire, by Mr. Bethell, from three places in the East Riding of Yorkshire, by Mr. Hinde, from Newcastle, by Mr. Kemble, from the Inhabitants of Peckham, and by Mr. Heathcote, from Long Sutton (Lincolnshire) for measures to enforce the Observance of the Sabbath.

Irish Corporation and Tithe Bills.] Sir *R. Peel* said, that having promised some days ago to give a general notice of the course he proposed to take on Friday next, upon the motion, that the House resolve into Committee on the Irish Corporation Bill, he rose for the purpose of stating, that he should, on the motion being made for the Speaker leaving the chair, enter into a general statement of his views of the present position of Irish affairs, and give a general indication of the course he meant to pursue with respect to them. Whether there was any great prospect of the adjustment of those questions it was not for him to say, but he did not mean to take any course on Friday next which would obscure any prospect of their satisfactory adjustment which might at present exist. He did not mean to make any preliminary objection to the motion, that the Speaker leave the chair, and if he rightly understood the noble Lord, that after having gone through the Irish Corporation Bill in Committee, the House would have an opportunity of considering the tithe question, he should not raise any discussion on the mere order of proceeding. Trusting, therefore, that after the Committee on the Corporation Bill, and before the further progress of that measure, the House would have an opportunity of discussing the tithe question, he should then be prepared to state his general views on that subject. He should, as he had just stated, take an opportunity on Friday next of explaining his views with respect to these matters; yet, preliminary to the Speaker leaving the chair, there would be no necessity, as far as he could judge, for a division. Of course, he could give no assurance as to what might take place in committee. He, and he believed several of his Friends, meant to make proposals in Committee, and he hoped this general statement would, whenever a division occurred in Committee, relieve him from the imputation of having taken the House by surprise. He deeply regretted, that from unavoidable circumstances they were called upon to consider these questions at this period of the Session, when so many other matters of importance remained to be discussed; but he should not urge any proposition for further delay.

Lord *John Russell* said, that the right hon. Gentleman had rightly understood his intentions with respect to the Tithe Bill; and he would only further state, what he had mentioned the other day, that he saw no necessity for setting forth the particular amount of the rent-charge in the first resolution. He thought it better to adopt a general resolution, and leave the particular proportion to be settled in Committee. With respect to the statement made by the right hon. Gentleman, he conceived, that at that period of the Session it would be desirable, without further delay, to consider the Corporation Bill in Committee, and he should look upon the announcement made by the right hon. Gentleman before the Speaker left the chair as a sufficient notice of the questions he meant to discuss. He would only further say, that he was exceedingly glad to hear, that the right hon. Gentleman was not disposed to take a course which might mar the prospect of an adjustment of the questions to which he had adverted.

Observance of the Sabbath.] Mr. Plumptre moved the order of the day for the House to go into Committee on the Lord's Day Bill.

On the 1st Clause,

Mr. *Jervis* said, it was a most preposterous clause, for its tendency was to prevent any work whatever from being done on the Lord's day. A person could not even get his breakfast, or have his bed made, without violating the provisions of this clause.

Mr. *Plumptre* said, he thought that the hon. and learned Member must admit, that there was a feeling in the country that something should be done in this matter. He was most desirous to obviate the objections of the hon. Member, and he thought that might be effected by the omission of a few words. His only object was to suppress trading on the Sunday, and in order to carry that into effect he would be glad to receive any suggestion that was offered him. He was asked, if his bill went to affect travelling? It was not his intention to affect it in any way, and if it was thought a proviso could make his intention clearer, he would not object to it.

Mr. *Jervis* said, the words of the clause went so much further than the intention of the hon. Gentleman, that the Committee could not proceed with it, he would, therefore, move that the clause be postponed.

Sir *E. Sugden* said, if the bill were allowed to remain as it at present stood he should vote against it, because he was not prepared to put restraints upon the poor on Sundays. He should vote against it, unless it was confined strictly to barter and trade. He had struck out certain parts of the clause, which he would show the hon. Member, and as it then stood it would apply strictly to what was in common parlance called trading on a Sunday. If his hon. Friend was prepared now to propose such alterations and additions to the bill as would so limit its operation, then probably the Committee might adjourn, and those amendments could be discussed at the next sitting. If that was not the case he should suggest that the measure should be postponed.

Mr. *Ward* said, that it was impossible to alter the Bill so that it should not interfere with the innocent enjoyments of the working classes. The word "trading" would extend, of course, to trading in horses, omnibuses, and steam boats.

Sir *E. Sugden* explained. He would not agree to any measure that would deprive the people of innocent recreation on the Sabbath. He believed, that such enjoyments, which were always shared with their families, made men better husbands and fathers than they could be made by any law of this kind.

Sir *G. Strickland* wished to ask the right hon. Gentleman opposite, how far the exceptions were to go. He held, that a tradesman of London ought, after the toils of the week, to be allowed the privilege of riding or walking out on the Sunday, after the morning service, for the purpose of enjoying innocent recreation in the country. Was he to be prevented from hiring a horse or carriage, and to be confined to the town or to his house, on the Sabbath? But suppose there was to be an exception as far as regarded travelling. When the tradesman got to the end of his journey, he believed it was the custom to go into some place of public entertainment to obtain necessary refreshment and to enjoy what he considered the best of all beverages—tea. But how would it be possible for the traveller to obtain that or any other necessary if the bill before the Committee became law? That bill prevented the possibility of obtaining the most simple necessaries, and as it stood it might even be doubted whether a traveller could obtain milk without a violation of the law. Taking, therefore, the gravest view of the subject, and considering the difficulties with which it was surrounded, and the impolicy of throwing any obstacles in the way of the poor enjoying innocent recreation, he did earnestly recommend the hon. Gentleman to withdraw his bill for the present.

Captain *Pechell* wished to ask the right hon. Gentleman, whether an exception was to be made in relation to the British fisheries? Boats with mackerel frequently came into port on Sunday; and if they were not permitted to unload on that day, very great loss to the fishermen would be the consequence. He hoped, too, the Attorney-General would stand up in defence of the rights of the Crown; for if this bill were to pass, none of her Majesty's ships would be able to leave port on Sunday. As regarded private vessels, they would be unable so much as to take off their hatches on Sunday, and the greatest inconvenience would result in consequence. He would, however, leave these matters to the Attorney-General; but in respect to the fisheries, he would not leave the House without an explicit answer whether or not they were to be excepted from the operation of the bill.

Sir *E. Sugden* said, he wished it distinctly to be understood, that he had no connexion whatever with the bill under consideration by the Committee. Entertaining great respect for the object of his hon. Friend, whose views he believed were most pure and upright, all he wished to do was to point out to his hon. Friend the best mode of obviating those objections which had been raised against the bill. If the measure were confined to the prevention of Sunday trading, then they would get clear of the objection of the hon. Member for Brighton in regard to the fisheries, and to vessels leaving port on Sunday. He wished to impress upon his hon. Friend, that unless he was now prepared to propose the necessary amendments on the bill, it would be the better course to postpone it for the present, or to go through the Committee *pro formâ*, with a view to obtain time for more mature consideration.

The *Attorney-General*, as a private Member of the House, entreated the hon. Gentleman not to press forward his bill at the present moment and in its present shape. He deprecated discussions like the present in a public assembly, and thought the hon. Member had better withdraw his present measure; and if he brought forward a bill for the purpose of preventing Sunday trading, and if that measure did not trench on the innocent amusements of the people, he should be ready to give it his best consideration, and to render every assistance in his power to make it as perfect and beneficial as possible. He doubted, however, whether it would not be better to leave the whole matter to be regulated by the sentiments of the people, and fully agreed in the opinion that there was no country where the Sabbath was better observed than in the British empire.

Mr. *Plumptre* wished to say, that it was not pleasant for him, a private Member of the House, to have charge of a measure like the present; and if the right hon. the Chancellor of the Exchequer was sincere in the wish which he had last year expressed, to see Sunday-trading suppressed, and if the Attorney-General was sincere in what he had that night stated, then he thought that the Government ought to take the measure into their own hands. If any hope was given him, that Government would bring forward a measure of their own on this subject, even in the next Session, he should be ready to withdraw the bill before the Committee. He felt it would be useless to go against the general sense of the House, although he thought some of those who had spoken against the measure did not understand it. His object was, to put a stop to shopmen and boys being sent out on Sundays by bakers, butchers, and others. These individuals were sent out in the way of trade, and were in consequence subjected to great hardships, while an unnecessary profanation of the Sabbath was the consequence.

The *Chancellor of the Exchequer* thought the proposition of the right hon. and learned Gentleman was one which it would be both for the interest of the House and of the hon. Member to adopt. He would be the last to interpose any difficulty in the way of the reprinting of the bill, and the bringing it forward again in a shape in which it could with greater advantage be discussed. If it were possible (of which he must confess he entertained considerable doubt) so to frame the bill as to limit it to those questions of trading to which the hon. Member had himself adverted, he should be disposed to give it every consideration. At the same time he begged that he might not be understood as intimating, either on his own part or on the part of others, a willingness to undertake the responsibility of bringing on any such measure. His reason was this; —that whilst he was ready hereafter to go into Committee with the hon. Member in order to try whether a bill satisfactory to the country could be produced on this subject, yet he felt so very doubtful with respect to the practicability of effecting what they all, he believed, wished, without at the same time doing something of a very opposite character, that he was very reluctant, unless he could see his way very distinctly, to take upon himself the burthen of legislating at all upon the subject. Besides, there was another consideration which he would with great deference submit to the hon. Gentleman. He believed that the object which the hon. Gentleman had in view was one which was rather to be attained by moral effects than by legislation. He believed, that the progress of public opinion at the present moment was strongly in favour of all the practical objects which the hon. Gentleman sought to attain by this Bill; and he was therefore unwilling to disturb the progress of that opinion, when he saw it flowing in a proper direction; and especially when he felt that it was impossible for any Gentleman in the House or out of it, either in his own private circle or in his wider intercourse with the world, to deny the fact, that on the part of all classes of the community and of all Christian sects in this country —Dissenters as well as Members of the Church of England—there was a growing and increasing feeling of respect for and desire to observe the Sabbath. If that were the real state of things, it was his firm opinion that they would be running a very great hazard of disturbing the feeling which was now tending to accomplish the object they all desired if they were to endeavour to force that feeling into particular channels by any legislative enactments. Nay, further, he had never approached the discussion of this question without feeling an apprehension that they might really do mischief to the cause which it was the wish of every one rather to forward than retard. On these grounds he thought the House ought to allow the hon. Gentleman to propose that the Chairman report progress with a view to his bringing in another bill in a more definite shape. He would suggest to the hon. Gentleman, that in order to do justice to his own measure, this would be a better course than even going through the Committee at the present moment *pro formâ*. Having prepared his bill in a shape fit to be committed, the hon. Gentleman could then go into Committee *pro formâ*, in order that it might be reprinted.

Sir *Robert Peel* said, that his hon. Friend must be aware that the advice which he had now publicly received from the Chancellor of the Exchequer was precisely in conformity with that which he had previously received from him (Sir R. Peel). The best course for his hon. Friend to pursue was that which had been suggested by the right hon. Gentleman, namely, that he should move, that the Chairman report progress, and after considering the possibility of making the enactments more definite, he should be allowed the opportunity of again submitting his measure to the House. With respect to the question itself, he was ready to admit, that public evils had arisen from the previous discussions of this subject in the House of Commons; but he thought that those evils mainly depended upon the tone and temper in which these discussions had been carried on. He knew of no further objection to the discussion of such a subject in that House, than the liability that existed of its being treated in an improper and unbecoming spirit. On the contrary, if discussed with a temper suited to the serious nature of the question itself, he thought it by no means an unfit topic for consideration, particularly when persons most eminent for piety, and most entitled to respect for the religious opinions they entertained, were pressing for some legislative enactment concerning it. At all events, it appeared to him, that the most respectful course the House could adopt towards those excellent individuals was to give them an opportunity to bring forward their propositions, in order that the merits of them might be canvassed, and the objections to them, if possible, be answered. He must, however, guard himself against the supposition that he was prepared, without much consideration and caution, to legislate upon this subject. He had always avowed that he saw great difficulties in the way of such a proceeding. Because it was absolutely necessary that he should be cautious while seeking to obtain any one particular object by legislation, he did not give rise to a system of vexatious litigation, and establish an unjust distinction between different classes in society. If he did one, or the other; if he gave an opportunity, under the pretence of religious feelings, to one neighbour exercising a vexatious control over another; or if he established a legal distinction as to Sunday recreations between different classes of the community, he should not be leaving the matter where he found it, but should be enlisting other feelings with regard to the observance of the Sabbath, which would have an inevitable tendency to defeat the very object he had been aiming to effect. His sincere advice to his hon. Friend, therefore, was, entertaining as he (Sir R. Peel) did the highest respect for his intentions, and believing that any legislation upon this subject would have a better chance of success in his hands than in those of any other person, from the moderation of his views and principles,—his advice was, that in attempting to legislate upon it he should make his enactments as definite and precise as possible. He thought there was a great objection in making a general enactment, and afterwards making numerous exceptions. He objected to it on this ground, that every exception they made would appear to be a legislative sanction for the non-observance of the Sabbath—a legislative sanction for every exception to the general rule. With respect to Sunday-trading, supposing he could attain that object without giving rise to other evils counterbalancing the advantages arising from it, he thought it a perfectly fit subject for legislation. Because openly and publicly exposing goods for sale in markets and fairs he considered had a tendency to shock the religious feelings of a great portion of the community; and no person for the sake of individual gain had a right to offend the general feeling. The general feeling of traders might be to resist this practice, but if a certain portion of that body should say "We are not governed by such feelings; we will open our shops and will encourage the sale of goods for the sake of our own profit," they might make it very difficult for the trade at large to abide by any general rule. If, therefore, it were possible, without incurring other general evils, that legislation should prohibit Sunday-trading, with perfect fairness to all classes, he should not object to legislate on the subject. But he was convinced of the evil of throwing any legal obstruction in the way of the recreation of the poorer classes, who stood more in need of that recreation than any other class of the community, which obstruction the Members of the Legislature did not apply to themselves. By taking that course, they would rouse a feeling of resentment at their partiality in legislation which would have a tendency to thwart and obstruct the very ends of those whose benevolent and religious feelings disposed them to legislate upon this subject. He thought it would be intrinsically unjust to throw impediments in the way of the recreations of one class of the community which were not equally applied to all. With that feeling, and having stated fairly the difficulty which he entertained on the subject, and having stated to what extent he thought legislation might go, he would again advise his hon. Friend to withdraw his bill for the present, and after conferring with others, make its provisions as definite and precise as possible.

Mr. *Plumptre* was ready to accede to the suggestions made by both sides of the House, and would move that the Chairman report progress.

The House resumed and the Chairman reported progress accordingly.

Spirit Licences (Scotland).] Mr. Gillon moved the second reading of the Spirit Licences (Scotland) Bill.

Mr. *G. W. Hope* objected to the bill. It proposed to alter the law affecting the granting of licences for the sale of spirits, which was the same now as the English law, by taking away the power of the magistrates, and making the renewal of a licence dependent on a certificate of good behaviour from the Excise-office. There could be no doubt that any House which had offended against the Excise laws would lose its licence under the present system. He should move that the bill be read a second time that day six months.

Mr. *Gillon* was surprised that the hon. Gentleman should oppose a bill so just and moderate as this was. At present the spirit retailer in Scotland was obliged to submit to the annual degradation of going about to solicit testimonials of good conduct, and was thus put to considerable trouble and inconvenience in travelling from place to place, and in going to attend the licensing court. Besides, gross injustice was frequently done to individuals under the present system, owing to the caprice of the licensing magistrates; and it not unfrequently happened that a man would be refused his licence merely because some one of the magistrates on the bench was the owner of another public-house in the same neighbourhood in which the applicant lived. The principle of his bill was one which would remove all the present unnecessary trouble and annoyances to which the parties whom the bill was intended to relieve were exposed. He hoped the House would concur with him, and allow this bill to be read a second time.

Mr. *Pringle* thought the bill not only unnecessary and uncalled for, but no case had been at all made out to warrant legislation on the subject. The bill took away from the local magistracy their police superintendence over public-houses—a superintendence which had hitherto worked beneficially in Scotland, and he, therefore, should most cordially support the amendment.

The *Chancellor of the Exchequer* was induced to support the principle of the bill which had been introduced by his hon. Friend, the Member for Falkirk, and he could not but think that the opposition which had been raised against it originated in a misapprehension by hon. Members opposite of the provisions of the bill. As a general principle he would say, that the licensing system was one purely of revenue, except in respect of licences for the sale of spirituous liquors. In those cases a mere licence was not held to be sufficient, for before the original granting of the licence, the magistrates had the power, which this bill continued to them, to ascertain the character of the applicant, and on that inquiry to refuse or allow the original licence. Now, as the bill proposed in that respect to retain the law in its present condition, and to give magistrates the full power and prerogative of continuing the original licence or not, he could not think that any disrespect was shown to that valuable body. The bill, however, made the renewal of the licence dependent on the good conduct of the holder, but it dispensed with the necessity of his annually producing certificates to that effect. He must say, that as the law at present stood it was a great hardship on this class of traders, that they should be called every year from perhaps a distant part of the country to the principal county town to obtain a renewal year by year (by proving the affirmative of their good conduct) of a licence to carry on their business. Without pledging himself to the details of the bill, he should certainly vote for its second reading.

Sir *G. Clerk* said, that though the bill was entitled the Spirit Licences (Scotland) Bill, he trusted hon. Members who were magistrates in England would not fail to observe, that it provided in effect that it should no longer be necessary for the holders of a licence to apply to the magistrates for a renewal, unless in the interim he had been convicted of keeping a disorderly house. Why should this change be proposed in Scotland when it was not ventured to attempt it in this country? He trusted English Members who took an active part in magisterial affairs would not be led away with the idea that there was anything peculiar to Scotland, but that equal justice was desired. So far from any difficulty being thrown in the way of obtaining spirit licences in Scotland, he believed a return of the number of licensed houses and of the paucity of convictions would be received with astonishment. On the whole, he hoped the House would not be induced by what had fallen from the right hon. the Chancellor of the Exchequer to make an exception as to Scotland in the general law of the whole country.

Mr. *R. Steuart* denied, that this bill proposed to make an invidious change in the law as to Scotland, for the bill adopted the same provisions as four years ago had been applied to Ireland, and there had been found to work well. He trusted the House would allow the bill to be read a second time, and reserve the consideration of its details for the Committee.

Mr. *Lockhart* supported the amendment, as he knew the measure to be generally objected to in Scotland.

Mr. *Macleod* from his own experience could say, that there was sufficient security in the mode of granting the original licence for the good character of the party licensed, and he would not leave in the hands of magistrates a power upon which political bias might operate.

The House divided on the original question: Ayes 56; Noes 45; Majority 11.

List of the AYES.

Aglionby, H.
Aglionby, Major
Barnard, E. G.
Barron, H. W.
Beamish, F. B.
Bernal, R.
Bodkin, J. J.
Clay, W.
Crawley, S.
Dennistoun, J.
French, F.
Gordon, R.
Guest, J. J.
Hall, B.
Hawes, B.
Hoskins, K.
Hume, J.
Humphery, J.
Hutton, R.
Jephson, C. D.
Langdale, hon. C.
Leader, J. T.

Lister, E. C.
Lushington, C.
Lynch, A. H.
Maule, W. H.
Melgund, Viscount
Morpeth, Viscount
Morris, D.
Murray, J. A.
Muskett, G. A.
O'Brien, W. S.
O'Connell, D.
O'Connell, M. J.
Parker, J.
Pendarves, E. W.
Pryme, G.
Rumbold, C. E.
Rundle, J.
Salwey, Colonel
Smith, B.
Stanley, E. J.
Stanley, W. O.
Steuart, R.
Stewart, J.
Style, Sir C.
Talfourd, Sergeant
Thornley, T.
Turner, E.
Vigors, N. A.
Wallace, R.
Warburton, H.
White, A.
Williams, W.
Williams, W. A.
Wood, Sir M.

TELLERS.
Gillon, W. D.
Macleod, R.

List of the NOES.

Arbuthnott, hon. H.
Bethell, R.
Blair, J.
Broadley, H.
Burroughes, H. N.
Chandos, Marquis
Damer, hon. D.
Darby, G.
Duncombe, hon. W.
Follett, Sir W.
Fremantle, Sir T.
Gaskell, Jas. Milnes
Glynne, Sir S. R.
Goddard, A.
Gordon, hon. Capt.
Hale, R. B.
Hepburn, Sir T. B.
Hodson, R.
Hughes, W. B.
Inglis, Sir R. H.
Johnstone, H.
Kirk, P.
Lefroy, right hon. T.
Litton, E.
Lockhart, A. M.
Lowther, hon. Col.
Lygon, hon. General
Mackenzie, T.
Morgan, C. M. R.
Nicholl, J.
Pease, J.
Plumptre, J. P.
Praed, W. M.
Pringle, A.
Pusey, P.
Rae, rt. hon. Sir W.
Richards, R.
Rose, rt. hon. Sir G.
Shaw, rt. hon. F.
Sheppard, T.
Sibthorp, Col.
Sinclair, Sir G.
Stanley, Lord
Sugden, Sir E.
Young, J.

TELLERS.
Hope, G.
Clerk, Sir G.

Bill read a second time.

SPIRITUOUS LIQUORS.] Mr. Gillon moved the second reading of the Spirituous Liquors Sale Bill.

Sir *G. Clerk* expressed a hope that hon. Members opposite would join with those on his (Sir G. Clerk's) side of the House in opposing this bill, which was not confined to Scotland, but was intended to extend to all parts of the kingdom. The bill proposed to repeal a law of a most salutary character—a law which prevented persons incurring debts in alehouses or public-houses from being sued in the courts of law for debts so incurred. He had never heard any argument used in support of the bill, and he was convinced that, if carried, it would be very injurious to the morals of the population. He therefore moved as an amendment that the bill be read a second time that day six months.

Mr. *R. Steuart* said, that the hon. Member for Elgin, the Under Secretary of State for the Home Department, was absent from illness, but he could state, that the Government would certainly have opposed the Bill, if they had not had every reason to suppose, that it would have been withdrawn. He should certainly vote in favour of the amendment, as he did not think that there was any measure which could be proposed which was more likely to injure the morality of the people of this country.

Mr. *Gillon* said, that the intention of the act of George 2nd, which this bill proposed to repeal, was to prevent tippling in public-houses, but the effect of it had been more extensive than had been originally contemplated, and it now affected a very respectable class of persons, the retail dealers in spirits. He should like to know of what culpability they had been guilty that they should be put beyond the pale of the law. As the law stood they could not recover for small quantities of spirituous liquors supplied to customers who dealt with them from day to day, and thus the law gave them encouragement to add swindling to intoxication. If the House would consent to the bill being read a second time, he would introduce a provision by which the operation of the act of George 2nd, would be restricted to spirits consumed on the premises.

Mr. *O'Connell* said, that it had been proved by the sheriff of Lanarkshire before the Combination Committee, that the workmen were in the habit of taking their ready money to the publicans, and running in debt for necessaries for their families. The consequence was, that they were supplied with provisions of the worst quality, and this was attributable to the operation of the existing law.

Mr. *Hume* hoped, that the House would not try to make men honest and virtuous by legislation as they used to do. The existing law was a remnant of this mistaken policy, and he therefore thought it ought to be altered.

Mr. *Pease* remarked, that the fact stated by the hon. and learned Member for Dublin was very well as far as it went, but it did not show, that men would not drink for ready money and for credit also.

The House divided on the original motion:—Ayes 16; Noes 59: Majority 43.

List of the AYES.

Aglionby, H. A.
Aglionby, Major
Beamish, F.B.
Crawley, S.
Dennistoun, J.
Hall, B.
Humphrey, J.
Leader, J. T.
Macleod, R.
O'Connell, D.
O'Connell, M. J.
Vigors, N. A.
Wallace, R.
Williams, W.
Williams, W. A.
Wood, Sir M.

TELLERS.
Gillon, W. D.
Hume, J.

List of the NOES.

Arbuthnot, hon. H.
Barnard, E. G.
Blair, J.
Craig, W. G.
Darby, G.
French, F.
Gaskell, Jas. Milnes
Glynne, Sir S. R.
Gordon, R.
Gordon, Captain
Hepburn, Sir T. B.
Hodgson, R.
Hope, G. W.
Hoskins, K.
Howard, P. H.
Hughes, W. B.
Hutton, R.
Jervis, J.
Langdale, hon. C.
Lister, E. C.
Litton, E.
Lockhart, A. M.
Lynch, A. H.
Mackenzie, T.
Maule, W. H.
Morpeth, Lord Visct.
Morris, D.
Murray, rt. hon. J. A.
Nicholl, J.
O'Brien, W. S.
Parker, J.
Pease, J.
Pendarves, E. W W.
Plumptre, J. P.
Praed, W. M.
Pringle, A.
Pryme, G.
Pusey, P.
Rae, rt. hon. Sir W.
Richards, R.
Rundle, J.
Salwey, Colonel
Shaw rt. hon. F.
Sibthorp, Colonel
Sinclair, Sir G.
Smith, B.
Stanley, E. J.
Stanley, W. O.
Stewart, J.
Strickland, Sir G.
Style, Sir C.
Sugden, rt. hon. Sir E.
Talbot, C. R. M.
Talfourd, Sergeant
Thornely, T.
Turner, E.
Warburton, H.
White, A.
Young, J.

TELLERS
Clerk, Sir G.
Steuart, R.

Bill thrown out.

CUSTODY OF INFANTS.] Mr. Sergeant *Talfourd* moved, that the Custody of Infants Bill be read a third time.

Sir *E. Sugden*, in opposing the motion, said, he believed, that few bills of a public nature had been more canvassed for than the passing of this bill, and that might account for the small minority, as compared with the majority, on the last division on the question. However, as this was not, and could not be, a party matter, he would state to the House why he objected to this measure. The law of England, whether wisely or unwisely, had put all the marital and parental power in the hands of the father. A woman's strength lay in her submissiveness, and if they found, that the law as it stood did by its operation establish over the mother a great moral power by means of her children, he called on them to beware how by altering the law they relaxed and weakened, that bond by which domestic morality was cherished and preserved. If this bill were suffered to pass, the proper title to designate it by, would be "a bill to facilitate separation and divorce between husbands and wives." The subsisting marriage law proceeded upon totally different grounds. It vested the whole power in the connubial state, both over wife and children, in the husband. He did not believe, that they would benefit women as a class by this enactment, however applicable it might be to individual cases of hardship. Separate the mother wholly from her children, and you wholly remove the facilities for reunion. The existing law was by no means so cruel as was represented. In the vast proportion of cases where separations took place in consequence of disagreement of temper, he had never heard of an instance in which reasonable allowance was not made for the access of the mother to her children. Unless the woman's conduct have been of a flagrant nature, unless the husband have a strong case to justify him in estranging the mother from her offspring, he will not be received into society, if he be known to have obstinately refused this access. He did not believe, that the children would be benefitted by the proposed measure; on the contrary, he believed, that it would be productive of injury to them. The father and mother are at variance at the period of separation, and in numerous cases, that variance is afterwards increased to the extent of bitter animosity. If the wife have access to her children, and his (Sir E. Sugden's) opinion was, that she ought to have that access, but they could not reach it by legislative means, the adoption of which would produce a great deal more mischief in the general principle than of good in particular cases—if the wife, he said, were ordered access to her children, the husband, he would suppose having retired with his children to the North, and placed them there at school, how was the wife to act in order to obtain the benefit of the rule of court which ordered her the access? Was she to take a cottage in the neighbourhood of her husband's residence in order to have the opportunity of visiting them once in each week? When access was denied by the husband, and permitted by the judge, it was natural, that the wife should conceive herself as greatly aggrieved by her husband—she will consider his conduct to be, perhaps, still harsher than it really has been, and will do her best to impress her own views on the minds of her children. The children will be brought up in that unnatural and most deplorable state of want of love or confidence in their parents. The father will do his best to blacken the mother in their eyes, the mother will do her best to blacken the father, and the children will be reluctantly compelled to admit the sad conviction, that neither father nor mother is entitled to their esteem; or, if this effect be not wholly produced, the childrenw ill be at least utterly and unduly estranged from one of their parents. He, therefore, believed, that on the one hand the proposed change would be anything but beneficial to the children, and, on the other hand, that it would tend to make that separation eternal which was now only temporal. The right hon. Gentleman concluded by moving, that the bill be read a third time that day six months.

Mr. Sergeant *Talfourd* said, there was something very extraordinary in the opposition of his right hon. Friend after the result of former divisions, after a majority of four to one in a House that was certainly not canvassed. He did not complain of this resistance to the measure, but he must state, as a matter of fact, that he was not prepared for it. The sense of the House had been three times expressed upon the measure, and he confessed it did occasion him no small surprise to perceive that his right hon. Friend now thought fit to divide upon the third reading. He could only account for this opposition by supposing, that his right hon. Friend regarded the evils against which the bill was directed as the mere bugbears of the imagination of the mover, and as having no substantial existence. The opponents of the bill talked about the unsoundness of that legislation which was directed against particular cases—surely all laws were made to meet particular cases. They asked the House to continue to inflict torture, in order, as they said, that the integrity of the marriage tie might be maintained, while, as he would contend, the continuance of the present practice was, in an especial degree, calculated to defeat that purpose. It had been said, that great inconvenience resulted from the mass of affidavits to which disputes between married persons gave rise—he denied that the fact was so, and, at all events, the bill then before the House would tend much more to diminish than to increase the evil; besides, that the proceedings would come before, not a private but a public tribunal, and the judges, though beyond the time of life at which passion has much influence, would still feel as men and as fathers, and they would know how to deal with criminatory affidavits against women unconvicted of adultery; they would know how to deal with husbands who denied to their innocent wives the last happiness which a woman so circumstanced could enjoy—a sight of her child. The mother of an illegitimate child could not be refused access; and that which he demanded was not even to place the innocent matron on a footing of equality with her who, in surrendering her chastity, gave up the best safeguard of her other virtues; but he merely required, that the matron should be placed on a footing something like that of which the mother of an illegitimate child enjoyed the advantage. That was what he asked, and what his right hon. Friend denied. He begged further to say, that this was a question on which the House had not been canvassed.—Indeed, the state of the House at that moment placed that assertion beyond a shadow of doubt; but he hoped, nevertheless, that the feelings of our common nature, and the plain principles of justice would triumph over those of artificial law.

Mr. *Langdale* opposed the measure, on the ground that it would do injury to the sex for whose advantage it was intended; he thought, moreover, that it would aid in dissolving the marriage tie, in addition to inflicting injury upon the children, who were of necessity innocent. He never read a bill more fallacious in its principle. In his opinion, the present state of the law favoured reconciliation between husband and wife, who might for a time have separated, while the bill would promote separation and litigation. There was at least one satisfactory feature in the proceeding—that however it might favour the vices of the rich, it would not much interfere with the morals of the poor.

Mr. *Praed* supported the bill, because

he did not anticipate any of the evil consequences which the last speaker appeared to apprehend; so far from favouring, he thought it would prevent divorce; neither did he think that it would oppose any obstacle to reunion between husband and wife.

Mr. *Warburton* said, that although the right hon. Gentleman opposite had taken the unpopular side of this question, and although it could not be denied that the hon. and learned Gentleman who had brought it forward, had succeeded in enlisting in its favour the majority of Members in that House, and the majority of persons out of that House, who had thought upon the subject, yet he (Mr. Warburton) felt it his duty to support the right hon. Gentleman opposite (Sir E. Sugden), agreeing, as he did, in the opinion he had expressed as to the probable effects of the bill. It was their duty to look to the general effect of every law, and his decided opinion respecting this bill was, that it would operate unfavourably for the offspring. Giving to a mother the power of unrestrained intercourse with her children, would be giving her an opportunity of enlisting their support and feelings against an injured husband, where it so happened that the husband was the aggrieved party; and, although unpopular to do so, he should vote against the third reading of this bill.

Mr. *Leader* was surprised to hear the hon. Member for Bridport say he opposed the bill, on the ground that he wished to protect the interests of the children. Surely those interests were not protected under the present law. On the contrary, they, as well as the interests and feelings of the mother, were, by the present law, totally overlooked, as might be observed from a petition lately presented to the House from a lady named Green, stating that she had separated from her husband, in consequence of his living with another woman, under a fictitious name; that he would not allow her to have access to her children; and that, nevertheless, the Court, on application, refused to interfere in her behalf. He could not conceive, therefore, how the hon. Member could refuse his sanction to this measure, or how any one could think for a moment of advocating the continuance of the present law.

The House divided:—Ayes 60; Noes 14:—Majority 46.

List of the Ayes.

Abercromby, G.
Aglionby, H. A.
Aglionby, Major
Alsager, Captain
Barnard, E. G.
Barry, G. S.
Beamish, F. B.
Benett, J.
Bridgeman, H.
Butler, hon. Colonel
Clay, W.
Copeland, Ald.
Craig, W. G.
Crawley, S.
Curry, W.
Darby, G.
Dennistoun, J.
Filmer, Sir E.
Gaskell, Jas. Milnes
Hall, B.
Hawes, B.
Hepburn, Sir T.
Hoskins, K.
Howard, P. H.
Hughes, W. B.
Hutton, R.
Leader, J. T.
Lockhart, A. M.
Lushington, C.
Lynch, A. H.
Mackenzie, T.
Macleod, R.
Marsland, H.
Maule, W. H.
Morpeth, Lord
Morris, D.
Muskett, G. A.
O'Connell, D.
O'Connell, M. J.
O'Connell, M.
Ossulston, Lord
Pease, J.
Pendarves, E. W.
Power, J.
Pryme, G.
Pusey, P.
Rickford, W.
Rundle, J.
Scholefield, J.
Sinclair, Sir G.
Smith, B.
Stanley, W. O.
Steuart, R.
Style, Sir C.
Turner, E.
Vigors, N. A.
Wallace, R.
Williams, W.
Williams, W. A.
Wood, Sir M.

TELLERS.
Talfourd, Sergeant
Praed, W. M.

List of the Noes.

Gillon, W. D.
Glynne, Sir S. R.
Hodgson, R.
Langdale, hon. C.
Litton, E.
O'Brien, C.
Pringle, A.
Richards, R.
Shaw, rt. hon. F.
Sibthorp, Colonel
Stewart, J.
Sugden, Sir E.
Turner, W.
Wood, T.

TELLERS.
Nicholl, J.
Warburton, H.

Bill read a third time and passed.

HOUSE OF COMMONS,

Thursday, May 24, 1838.

Minutes.] Petitions presented. By the Sheriffs of London, at the Bar, from the Lord Mayor, Aldermen, and Common Council of the city of London, in favour of the Registration of Voters Bill.—By Mr. C. Lushington, from the Guardians of the poor of the Dunmow Union, to allow Dissenting Ministers access to the Workhouses.—By Lord Charles Manners, from a place in Leicestershire, by Sir George Strickland, from two places in Yorkshire, by Captain Berkeley, from Bristol, and another place in Somersetshire, by Sir E. Wilmot, from a place in Wales, and by Mr. Baines, from srveral places, for the Abolition of Negro Apprenticeship.—By Mr. A. White, from Stage-coach Owners, against the Post-horse Duties.—By Sir G. Strickland, five, from Heckmondewyke, and other places in Yorkshire, in favour of an Eleven Hours' Labour Bill for children.—By Mr. Hume, from Berwick, Perth, and other places, against the monopoly of Printing the Bible enjoyed by the Queen's Printers in Scotland; and from Cupar, for an extension of the Suffrage.—By Sir W. James, from Electors of Hull, complaining of being Disfranchised by a decision of an Election Committee.—By Mr. Warburton, from Bridport, for the Extension of Education to all Classes.—By Mr. Baines, several, against further Endowments to the Scotch Church.—By Mr. Leader, from a Congregation of Seceders in Lochwinnoch, to the same effect.—By Mr. H. Grattan, from Meath, against the renewal of the Charter of the Bank of Ireland.—By Mr. Litton, from a parish in Tyrone, against the present system of National Education in Ireland.

Negro Apprenticeship.] Lord *John Russell:* In pursuance of the notice I gave last evening, I now beg to ask the hon. Baronet, the Member for Warwickshire, (Sir E. Wilmot) whether it is his intention to move for leave to bring in a bill, or to take any other measure founded upon the resolution of the other evening?

Sir *Eardley Wilmot:* My answer to the noble Lord must in a great measure depend upon the reply which he will give to a question which I shall take the liberty of putting to him. The Commons of England have agreed to a resolution in favour of the immediate and entire abolition of the apprenticeship system in the West Indies. It is a great national question—one of the greatest and most important that has been discussed for many years. I beg, therefore, to ask the noble Lord whether or not it is his intention to do anything to carry the resolution of the House into effect, or anything to annul or rescind it?

Lord *John Russell:* My answer to the question is this—that considering that the motion of the hon. Baronet, the Member for Yorkshire, (Sir George Strickland) was decided in a very full House against the proposition for the immediate and entire abolition of the apprenticeship system, it is my opinion that it will not be necessary for the Government to take any step to annul or rescind the resolution adopted the other evening. I stated upon a late occasion, and also upon a previous occasion, that with respect to any bill that might be introduced founded upon such a resolution the Government would certainly give their most strenuous opposition to it. Therefore I cannot be expected to move for leave to bring in a bill in pursuance of the resolution adopted the other evening. But this I will say, that if the hon. Baronet (Sir E. Wilmot) proposes to follow it up by moving for leave to bring in a bill, he shall have the very earliest day in my power for submitting his motion. If any steps are to be taken at all, it must be obvious to every one that they ought to be taken at once; therefore, if the hon. Baronet proposes to come forward with any measure upon the subject, he shall have Monday next for the purpose.

Sir *Eardley Wilmot:* The House must be aware that this important question, in the hands of so humble an individual as myself, requires great and deliberate consideration. I therefore tell the noble Lord that I shall not to-night inform him what course I intend to pursue; but on Monday next I will give him a direct answer.

Lord *John Russell:* Let me only say, that I really hope the hon. Baronet will distinctly intimate his determination at the earliest possible moment. He must be aware that the part he has taken with respect to this question, makes his determination, whether to leave the resolution upon the journals of the House without submitting any further proposition upon the subject, or to bring in a bill or take any other measure founded upon the resolution of the utmost consequence to the West Indies, and I may also say to the peace and welfare of the apprenticed negroes themselves.

Sir *Eardley Wilmot:* I assure the noble Lord that nothing on earth shall prevent me from giving the earliest possible notice of the course I intend to pursue. Meantime the noble Lord may rely upon this, that the principle embodied in the resolution of the other evening shall be strictly adhered to by me in any measure I may introduce.

Mr. *Gladstone:* I hope the hon. Baronet will not think it too much if I put another question to him. I understand that he intends to follow up the resolution of Tuesday last to the very utmost; and with his views upon the subject I entirely concur in the propriety of his doing so. But I wish to know from the hon. Baronet—it will be for him to answer me or not as he thinks proper—I wish to know from him, or, rather, in the first place, I wish to direct his attention to the fact, that the packets to the West Indies will sail on the last day of the month; that is to say, on Thursday next. Is it, then, too much to ask him to give a promise that he will bring this question to an issue before the packets sail.

Sir *Eardley Wilmot,* the hon. Gentleman, the Member for Newark, (Mr. Gladstone) has mistaken the answer I gave to the question of the noble Lord. I said, that on Monday next I would distinctly declare what course I intended to pursue.

Sir *Robert Peel:* It certainly is most unfortunate that upon a matter so involving the feelings and interests of a large class of her Majesty's subjects, particularly open to excitement and to the entertainment of false expectations, the hon. Baronet is not prepared to state the course he intends to pursue. I put entirely out of the question, as a subordinate matter only, though still one of very considerable importance, the interests of the West-India proprietors. What I would point out is the position of the apprenticed labourers, and the possibility that they may be led into violations of the law from a misunderstanding of what are the intentions of Parliament. If the hon. Baronet should state to-night that he meant to bring forward a measure upon the subject, there would be an opportunity of full discussion upon the motion for leave to bring it in, when all misunderstanding upon the matter might be cleared up. But supposing the hon. Baronet should say, "I will content myself with leaving the resolution on the journals of the House, and will found no measure upon it," then I very much fear, unless some distinct, particular measure be taken for expressing the sentiments of this House in some way or other, misconceptions will arise; and it may become absolutely essential, for the sake of humanity and the preservation of innocent life, that we should declare what is the positive intention of the Legislature.

Mr. *Baines:* I understand that it is not the intention of the hon. Baronet (Sir E. Wilmot) to occasion any delay beyond Monday. After having made so distinct a declaration upon a subject requiring so much deliberation, I think it is not necessary that he should be urged further by either side of the House; but that the matter should be fairly left to his own discretion, under an assurance that he will pursue the course most likely to conduce to the interest of the West Indies and the welfare of the apprentices.

Lord *John Russell:* I must still state that I think the hon. Baronet may very well be able to declare to-morrow the course he intends to pursue; and I repeat now that I shall be prepared to meet him on Monday upon any specific motion he may choose to bring forward. If the hon. Baronet shall not be prepared to make any declaration to-morrow, I reserve to myself the privilege of then stating to the House what course I think the Government will take.

DANISH CLAIMS.] Mr. *Creswell* rose to bring the Petition on the claims of certain parties for Compensation for the loss of property by the Danish war under the consideration of the House. Before he stated the circumstances which had led to the petition, it became him to offer some apology for his presumption in undertaking such a duty. Not long after he had the honour of a seat in that House the petition was sent to him, and he presented it as a matter of course. He was then applied to, to go further, and bring the question before the House. He was disposed to decline such a duty, but it was represented to him that the first signature to the petition was that of the largest firm in the town he had the honour to represent, and that many of the other names attached to it were those of merchants of Hull, a town with which he had long the honour of an official connexion. Though he thought the matter would have been better in the hands of a more experienced Member, still, as the petitioners considered that he might be of use to them, he consented to be the medium of calling the attention of the House to the matter. Having stated these circumstances, he would proceed to state the grounds upon which he thought the House ought to grant the prayer of the petition. It was well known to every Member of the House that a negotiation for peace with France was set on foot by Mr. Fox in 1806, and that the war was again commenced with increased bitterness and hatred on the part of Napoleon. Then this country had Prussia and Russia on their side, but in the campaign of the same year the pride and glory of Prussia was humbled, and in the following year the power of Russia was crippled, and she also became anxious for peace. The Berlin decree was issued, and then they were informed what the measures of Napoleon were for the overthrow of the commercial prosperity of this country. The French and the Spanish navies had been annihilated by Lord Nelson; but it was found that Napoleon was taking measures for the seizure of the fleet of Denmark. It was found, that the troops of France were assembling on Hamburg, the neutrality of which had been violated. They had no ostensible object but to overrun Holstein, and then the navy of Denmark would have been in the power of Napoleon, who might have used it to intercept our commerce. Under these circumstances it seemed good to the British Government that they should send out a powerful armament to invite the Danes to place their ships under our protection, till a peace should be concluded, or to bring them home to this country. Soon after that, an embargo was laid on all Danish ships. The expedition sailed—the Danes refused the request that was made to them, and in the result the whole of their navy was fitted out in their own dockyards by British sailors, and brought home to this country. It was to have been expected that our enemies would take advantage of that opportunity of raising a cry against Great Britain: and accordingly all the world resounded with cries of our want of faith. The Government of that day put forth a statement of the motives by which they were actuated, and which they deemed to be their justification. That document was dated the 25th of September, 1807, and it was important as showing under what circumstances British merchantmen were brought into peril, and as showing what was gained by this country which caused so much loss to those individuals. He did not wish to enter into the question at all of how far the Government of that day were justified or not, because he wished this to be received not as a party question, and he felt that he could not enter into any discussion of that statement, without exciting a party discussion, foreign to the real merits of the case. Whatever might be the merits of that proceeding no one could be surprised that the Danes were displeased at it, and they stated that unless satisfaction was made, they would make reprisals on British property within their reach. Accordingly they did confiscate British property to a considerable amount, which consisted of book debts, and the property of British subjects in Denmark. Goods and ships in the Baltic were seized. The confiscation of the petitioners' property took place under these circumstances, and and was most undoubtedly owing to the Act of the British Government, which Act was intended to avert a great danger from this nation; and it would, therefore, be monstrous to say, that the loss ought to be sustained by individuals. To him the claims of the petitioners seemed to be most equitable. All the authorities upon the subject of the law of nations were in favour of the claim. Grotius expressly said, that "those who gave occasion to reprisals were bound to make compensation to those who suffered from them." But that was not the only authority on which he relied. Matthieu, in his second book, eighth chapter, also said, that "the Sovereign ought to compensate those of his subjects upon whom reprisals fell." He should be astonished if any Gentleman would say, that the country at large ought to participate in the advantages of the measure, and not also bear a part of the loss. If the loss of those sufferers could be attributed to any fault or negligence of their own, it would be a different thing; but at the time when their property was thus seized upon, they could have no reason to apprehend a war with Denmark. So far from this, it will be found, on reference to Parliamentary documents of that date, that no increase of premium was required at the British Insurance Offices upon the goods and ships of those merchants. Indeed, even the Proclamation of the Commanders of the British navy contained nothing to raise a suspicion that a war with Denmark was contemplated by the British Government. So far from it, that proclamation stated, that they came as friends and protectors, not as enemies, and to prevent those who were disturbing the peace of Europe from turning the naval force of Denmark against England; and it also gave assurance that the British merchantmen might continue to navigate the Baltic unmolested. But the case did not rest here. It should be remembered, that the British Government seized and took possession of Danish property, which ultimately produced the sum of 1,300,000*l.* Under what pretence? Were we at war at that time? No. Had we any right to make reprisals? Unquestionably not. He invited any hon. Member to state any circumstances which could justify the seizure of that Danish property, unless it was for the purpose of creating a fund out of which compensation might be made to the subjects of this country for anticipated reprisals of the Danes? What complaint had been made to Denmark? What wrong had Denmark committed? What justice had she denied? And what right then had this country to seize her property unless to make compensation to British subjects who might suffer from the Acts which the British Government thought essential for the welfare of the empire? In addition to the natural justice of the case, according to the law of nations, there was therefore a fund which could not be with equity applied to any other purpose than that to which he sought to apply a portion of it. To a certain extent, that fund, or a substitute for it, had already been so applied. On former occasions, the House had granted compensation to those who lost their goods in Denmark, or their book debts; but it was denied to those who had lost their ships, and goods afloat in vessels. Was it not absurd that for property—part of the lading of a ship, which was landed — compensation should be granted, and that for the remainder of the lading of the same vessel, which was not landed, no compensation was to be allowed? It could not be said, that this application came too late, for it had been decided by the House this session, that compensation should be given to some of the sufferers; but it had been suggested, that there had been negligence on the part of these shipowners; that they might have insured their property. If, however, they had a just claim upon the justice of the House, this was no answer to the claim. If two vessels came into collision, true—the owners of the injured vessel might recover compensation if she and her cargo were insured; but this was no answer to an action for damages against the owners of the other vessel. So in the case of an action for damages by fire against the hundred. These were the circumstances that had led to the petition, and he had stated them as briefly as possible, and he trusted when the House remembered this was a peril into which British subjects were brought, in order to gain a great national object, and avert a great national danger—when, moreover, a fund had been provided, which was ample for the purposes—he trusted the House would go along with him in adopting the motion with which he should conclude. That an humble address be presented to her Majesty, praying, that her Majesty will be graciously pleased to direct the Commissioners to whom it was referred, to examine the claims for losses sustained on account of book debts and goods on shore, in 1807; to examine the claims of those who sustained losses on account of the seizure of ships and cargoes by the Danish Government in the said year; and that the said Commissioners report on such claims to the Lords Commissioners of her Majesty's Treasury.

Mr. *Blackett*, in seconding the motion, sincerely hoped, that her Majesty's Ministers would now complete this act of justice which had been so worthily commenced by their predecessors in 1834. He was sure, that there could be no wish on their part to act partially by the petitioners, or unjust to any one, and he would remind the Chancellor of the Exchequer of what had already taken place, and ask if any of the grants hitherto made had been grudged by even the most rigid advocates of economy. He believed, that on the contrary they had given the greatest gratification to the country, and he believed, that to persevere in that course of equitable redress, would not only be fair to the individual petitioners, but give great satisfaction to the country at large.

The *Solicitor-General* sincerely regretted that his hon. and learned Friend did not, on the face of the notice he gave, state more distinctly what the motion was with which he intended to conclude his address to the House; because he (the Solicitor-General) in common with many of his friends around him did not know from the nature of the notice, coupled with the petition of the 9th of February, whether it was his intention to pray for a further compensation to those having claims for book debts and claims on shore; or whether, as turned out to be the case, it was his intention to pray, that the compensation might be extended to the case of ships, and cargoes on board ships. His hon. Friend having now stated to the House, that he confined himself to this latter position, it became his duty to state, that to that proposition, however agreeable it might be to remunerate those who had suffered on that occasion, he could not see any thing whatever, either in the precedents set with regard to other claims, or with regard to book debts, to give it the slightest sanction. His hon. and learned Friend had referred to certain passages from celebrated writers on the subject. Now his hon. Friend must know, that the distinction—whether founded in reason or not, it was not for them to inquire—that the distinction was universally recognized, that that which was a violation of the law of nations with respect to goods on shore and book debts, was not a violation of the law of nations with respect to the ships and cargoes on board. It was a universally recognized principle on which this country was in the habit of acting from the earliest times—and if it were wrong, the system must be altered by some prospective enactment, but such was the principle on which it had invariably acted. Now, however that distinction might have had its origin, they could see forcible reasons why it might be justly and fairly maintained, because it was a usage universally observed—and he did not use the word in an exaggerated sense — to ensure ships, and to ensure the cargoes against all the perils not only of the sea, but of the king's enemies, to which they might be exposed. That practice was not only universal in ordinary cases, but had become universally the custom at the time this transaction took place, and when the war had been raging between France and this country for years. His learned Friend had said, that the Government had already given compensation in the case of losses by book debts and goods on shore. Why did they do so? Because the act of the Danish Government in respect of those transactions was an act in violation of the law of nations. It was not consistent with the law of nations that the goods on shore at Copenhagen, or the book debts, should be confiscated because a war had broken out. Such a principle as that could not be applied to the present case, nor did his learned Friend attempt to apply it. He made his application in the present instance upon totally distinct grounds. He had stated, that the reason he asked for compensation was, not that the Danish Government had done anything, which, by the usages of war, they were not justified in doing, but he called on the House, in the year 1838, to give compensation, because the Government had embarked in an unlawful war in 1807. If compensation were to be given in such a case, he wished to know where it was to stop. If, in 1838, it was competent for parties to put forward such claims for the first time, it was impossible to know where it would end. The claimants for the book debts, and the goods on shore went upon a very different principle. They always put their claim upon the ground that it was not liable to the objection of the ship claimants. They claimed on the ground of a violation of the law of nations. His learned Friend had stated his case shortly and clearly; he had attempted to state his reply in the same manner; he had been short, perhaps he had not been clear, but he had endeavoured to be so. The ground upon which the Government resisted the claim was, that the present could not be put on the same ground as the other claimants. Was it possible, that thirty-one years after a war had taken place, the House should go into an enquiry into the conduct of this country in entering into that war? If the House were to go into such an inquiry as to the Danish war, where were they to stop? Some might think, that we were very wrong in entering into the war of 1756, others might complain of the beginning of the American war, and call for an inquiry, asking for compensation for all those who had lost by the conduct of this country in entering into such wars. If proof were wanted of the law of nations being in the state that he had put it, he would cite the continual treaties made between two nations at peace —that if a war should unhappily break out, no ship should be seized until six months after the declaration. These treaties would be rendered totally unnecessary if the law of nations provided for the case. He had shortly stated, the ground was clearly distinguishable from the case of the other claimants, and he trusted, that he had shown the extreme inexpediency of entertaining the motion before the House.

Mr. *Hutt* must do the hon. and learned Gentleman (the Solicitor-General) the justice to say, that he had not occupied the House unnecessarily with any argument; but more imbecile or futile arguments he had never heard the hon. and learned Gentleman put forth. The learned Gentleman had stated, that this was the first occasion on which the attention of the House had been called to those claims which arose out of the confiscation of goods. Why, the Chancellor of the Exchequer must recollect, that on no less than three occasions had the House divided on it. The hon. and learned Gentleman, the Solicitor-General, had not combatted successfully one single argument adduced by the hon. and learned Member opposite. There was one material point, however, which the hon. and learned Solicitor-General had rather misunderstood. The hon. and learned Gentleman opposite did not say, that the seizure of British goods and ships in the Danish harbour was an act contrary to the law of nations—it went to this, that that seizure having taken place, it was incumbent on this country to give compensation to those who were sufferers by it. He considered that this was a most important distinction. He remembered, that on a former occasion, there were objections taken to compensation, on the ground that the case was similar to one in which a ship sailing on the high seas was seized in consequence of hostilities having commenced in the meantime. He thought, however, that the case was entirely distinct from any such parallel. The goods of the petitioners were seized in the Danish harbours at the time when this country was supposed to be at peace with Denmark, and in time of peace became the aggressor. The British consul was at the time resident in the Danish port, and Admiral Gambier gave licences to those vessels to sail. The British Government, however, upon some principle which he did not understand, and did not think necessary to discuss, thought proper to seize the Danish fleet, and carry off the vessels to England. It was even then affirmed, that this was not a hostile measure, but one of protection and friendship. Upon this assurance, the British merchants trading in the Baltic had relied. Their vessels entered Danish harbours, and the acts of aggression were committed, the vessels were seized and confiscated by an exasperated enemy. And, under these circumstances, would any Member maintain, that the case was at all similar to that of a ship going from a distant port being carried away by an enemy, hostilities having, in the meantime, been commenced? This country attacked Denmark without any declaration of war, without even pretending that any offence had been committed, only upon the plea of State necessity. Was not this exactly the case which had been referred to by the celebrated writers on the international law, by whom it was laid down, that in such a case, the State was bound to make compensation to its subjects. The Solicitor-General had endeavoured to draw a distinction between ships or goods on board ships;—and goods which had been transferred to the shore. No such distinction was to be found in those eminent writers—Vattel and Grotius—both of whom laid it down in express terms, that the State is bound to make compensation to its subjects for wrongs arising from reprisals which have been provoked by the State. If the case went no further than this, he submitted, that the claims were fairly made out; but at the time when the seizures of British property were made, the British Government seized a far larger amount of Danish property in this country; and the proceeds of this property was for some time applied to the compensation of these sufferers. That fund was now dissipated, under the sanction of the British Legislature, and the claimants had no other fund to apply to than the resources of the State. It was his fate to be connected with a port which suffered most grievously from these circumstances. It had been said, that these claimants came, after an interval of thirty years, to the House for compensation, but there had been no cessation of these claims. These parties had not suffered their claims to be defeated by any laches. These claims had been repeatedly pressed upon the attention of the Government. In 1834, compensation was made to the book debtors. In 1837, another class of claims was recognized, and surely it was but shuffling to say, that these parties came after an interval of thirty years. That was no reason for refusing justice. He was sure the House would, even at this distance of time, recognize these claims. The parties had appealed from one minister to another — they had waited long and anxiously; and for thirty years, they had waited in vain. They now came to that House, which had so often redressed the wrongs of the injured, and he trusted, that the representatives of Great Britain would not now withhold them redress.

Mr. *Ingham* said, the hon. Gentleman opposite had overlooked the principal claim on behalf of the shipowner. Every one must admit, that in case of a war breaking out, although by the usage of nations goods might be seized, yet it was contrary to the usage of nations, after the cessation of hostilities, to seize goods and book debts. The argument of the hon. and learned Member for Liverpool, had been so powerfully and concisely put, that it must remain fresh in the mind of every one. This was not a seizure of property on the breaking out of a war, but it was the case of a reprisal—of provocation on the part of the English Government for the purposes of the State. The case advocated by the hon. Member for the Tower Hamlets, two Sessions back, of the vessels seized by Spain in 1796, where the Government granted the sum of 200,000*l.* was of a smaller description than the present. Therefore, not only was the case, on the principles of justice, perfectly clear, but he thought his hon. and learned Friend had brought forward an exact precedent to justify the course he was now pursuing. The only other objection that could be urged was on the score of revenue. But he would ask the right hon. Gentleman opposite how was the revenue to be maintained except by extending protection to the commerce of the country? Nothing would tend so much to promote financial prosperity as the Government coming forward on all occasions to indemnify the mercantile and maritime interests whenever they were seized by foreign states.

The *Chancellor of the Exchequer* said, there was something necessary beyond a Government being liberal—it must be just also. Just, not only in the sense of giving countenance to reasonable claims, but inexorably just in resisting claims which appeared to it without foundation, and which could not be conceded without the introduction of a principle of the most dangerous nature. He would take the liberty of looking back at the history of this case, and he would bring before the House what the Ministers had done, and he would justify them in the course they were now taking. Up to the year 1834, it was clear, that the question had been made a matter of ineffectual struggle in Parliament. His hon. Friend who sat below him, and those who differed with him more broadly, would, on a full statement of the case, declare, that he (the Chancellor of the Exchequer) showed no disinclination to state the grounds on which they had acted. In the year 1834, the question was brought under the consideration of the House, when Earl Spencer was Chancellor of the Exchequer. At that period, undoubtedly, the motion was specially directed to book debts; true, the proposition which Lord Spencer undertook to examine involved all the three classes—namely, book debts, goods taken on shore, and goods on sea board. That, however, was upon the understanding that he expressly reserved to himself, as was stated in the Treasury Minutes, a full power of considering the cases. Upon the examination of the cases by the law officers of the Crown, both his learned Friends that were near him, and the civilians with whom they were associated, gave it as their distinct opinion, that with respect to the book debts and the goods taken on shore, that was a wrong sustained by British subjects contrary to the law, the declared law of nations; but with respect to the wrong sustained by the seizure of ships and cargoes, that was an ordinary consequence of war; and there was no violation of the law of nations in that case. Upon those opinions the Treasury affirmed that view of the case, and in 1835 a sum 112,000*l.* was voted in satisfaction of the book debts, and in 1836 a sum of 78,327*l.* was voted under the second head. Thus the matter had rested till the commencement of the present year, when his hon. Friend, the Member for Bridport, brought forward a case which did not differ from the case already referred to in the Treasury Minute, allowing persons to come forward and claim within a certain time. Certain parties made out a case to the satisfaction of the Member for Bridport, but they were excluded by the Treasury Minute. His hon. Friend then stated among other things, although he could not state the sum that would be required, that a week should be given to the parties to put in their claim; the time was given, and then came the present petition. The House would be surprised to hear, that the vote come to upon the motion of the hon. Member for Bridport had not stopped at 78,000*l.*, but that it had actually let in claims to the amount of 100,000*l.* That vote, however, admitted no new principle; but let the House look to what was the principle they were now called upon to affirm. It was admitted by the parties that this seizure was not inconsistent with the law of nations; yet they were called upon to affirm, that when hostilities broke out, whatever might have been the wrongs of the subjects of this country, still they were bound to grant compensation to all parties who suffered from seizures made under the law of nations. He called upon them to remember, that the former resolution of the House did not contain the proposition before the House. On the contrary, this was the first impression, which had not been formed before. Was this proposition to be affirmed on the ground of the war being unjust? If they affirmed that proposition, how much farther were they to go? Were they to investigate into the origin of every war? If they affirmed that proposition in one war, then they might be called upon to affirm it in every one. They might be called upon to award compensation to all who had suffered from the breaking out of the American war, or the revolutionary war. Suppose that several of those who were now petitioners before the House had been insured, and had been indemnified by the insurers long ago, were they to give indemnity anew to those who had before received it? Or were they to pay back to those insurers, who had paid the amount to the assured upwards of thirty years ago? He would not use the argument of time as a bar to a claim which was otherwise just, or he would have used it as an argument against the book debts. The investigation of those claims—ascertaining what was just and what was unjust—became infinitely more difficult in proportion as the time had run. If the case had occurred in the year 1837, evidence might then be adduced, and he might have had the means of controverting it; but when a case occurred in the year 1807, he contended the House ought not to entertain the proposition, except on the most clear and undeniable grounds. He could not conclude without again endeavouring to show to the House in what a position all these cases were brought forward. Every person who had a claim, and every class of persons who had claims, naturally, by the influence which the constituent had over the representative the means of pressing on the House the fullest and strongest statement on his behalf. On the contrary, those who had to represent the public, as he did in the matter, had no sympathies of that description in their favour. Efforts were made on every side for the purpose of making out a case in favour of redress; and on the other side there was nothing but the dry abstract reasoning of those who opposed it. If the House sanctioned this claim they would do that which was unexampled in the history of nations. If the House admitted the principle of doing this justice to their own subjects, for similar reasons Foreign Powers would bring forward cases—they were ready enough to do it. The Danish case was at first represented as a case quite of itself. No sooner was the Danish case brought forward than cases that were alleged to be similar were also brought forward. This case was brought forward upon a new principle—it was a most dangerous principle, and he called upon the House to resist it, and if the House looked forward to the future, and wished to become fair and legitimate guardians of the public interest and the public purse, they would now assist him in resisting the motion of the hon. and learned Member for Liverpool.

Sir *Walter James:* Sir, I would not address the House after the eloquent speech of my hon. and learned Friend, if I had not made myself diligently master of all the circumstances of the cases, from which I am perfectly convinced that justice is on the side of the claimant. After the able and lucid statements of my hon. Friend, the Member for Liverpool—I need not occupy the House any length of time, but I wish to point out, as briefly as possible, how utterly futile is the distinction attempted to be made. Suppose the case of a ship going out to Denmark, the goods on board belonged to three different persons, the goods of two of the parties are landed, and subsequently seized by the Danish government. To those two parties compensation was granted, and I think most justly granted; but the property of the third party which was seized on board was not compensated. The reason assigned is, that the confiscation of those ships and goods was in conformity with the usages and practices of war. I deny this; there was no war. There is this material fact—the Danes by their profession of the 17th March, 1794, had pledged themselves to maintain the neutrality of the Baltic, and they had agreed that both parties should give six months notice of hostilities before the property of individuals should be liable to seizure. But this was not a case of war, it was a case of reprisal simply. I shall not trouble the House with quotations from Grotius, Matthieu, or Vattel, nor will I venture to tread upon such learned ground, which would be hazardous to so young a Member as I am. But this case is plain, that those people were deprived of their property for the good of the whole nation. In 1807, England committed an act of injustice towards Denmark, which nothing but the extreme circumstances of the case could justify. They had in their hands a large amount of Danish property, which was floating on the Thames, or lying in the other ports of Great Britain. The proceeds of those seizures had been paid into the Treasury, and Mr. Perceval at the time made the distinct statement, that that money had been paid into the Treasury, in order that it might be there to meet the demands of British merchants who had claims upon it. What was the result? The right hon. Gentleman, the Chancellor of the Exchequer would correct him if he were wrong—he believed, that an offer was made by the Danish Government of mutual restitution. Did the English Government accept that offer or not? They rejected it; and he would ask the right hon. Gentleman, was it right or just, having refused those offers, that he should now resist the claims of those who were justly entitled to compensation. Might it not be asserted, that they had acted fraudulently, if they now attempted to deprive those persons of a just compensation? He would only trouble the House with one farther remark. The right hon. Gentleman, the Solicitor-General had stated, that these parties might have protected themselves by insurances. Now, he did not think, that the policy would be worth much, when the property was destroyed by an event not contemplated in that policy. In conclusion, he trusted that the right hon. Gentleman would see the justice of conceding the claims of these ill-used individuals.

The *Attorney-General* was sorry he could not assent to the proposition put foward by the hon. Baronet opposite. The hon. Baronet had a full right to attack the opinions of the law officers of the Crown, and he (the Attorney-General) felt honoured at entering into a contest with him. The hon. Baronet said, that there was no distinction between those goods in ships, which were seized, and book-debts and goods seized on shore; and unless he (the Attorney-General) could make good that distinction, he would give up the case. He had given an opinion, that those having claims for book-debts had a right to compensation, and upon that opinion, the Government acted. He would now state the reasons upon which he had given that opinion. Those whose book-debts were seized, came to the Government and said, "The Danish Government has done what they had no right to do—we call upon you to compel the Danish Government to do us justice—or do us justice yourself." The English Government did not compel the Danish Government to do them justice, and therefore those whose book-debts were seized, had a clear right upon the English Government. They added, they had no means to indemnify themselves by insurances, for that no insurance would, under the circumstances, have held good. It was allowed on all hands, that book-debts could not be seized —indeed there was only one other instance—an ancient one it was true—upon record, and that was the seizure by Alexander the Great of the debts due by the Thessalians to the Athenians. Therefore, with regard to the cases of the two classes of claimants—first, those in respect of book debts, and next, those in respect of goods seized on shore—there had been a clear violation of the law of nations, and those two classes had therefore a right to recompense and indemnity. Let him remind hon. Members opposite, that in the year 1828, when Sir J. Mackintosh brought forward this subject, he took the same distinction as that for which he was contending, and upon which the Government had acted, and that high authority on such a subject admitted, that the owners of ships and cargoes seized on the high seas, had no claim whatsoever to compensation, because that seizure had been made in conformity with the law of nations. It had been said, that the seizure had been made when there was no war. No, he contended at that time there was *flagrans bellum,* and that after this country had bombarded the Danish city, the Danish Government did that which they were justified in doing,—viz., they seized all English ships and cargoes in the ports. In this, there had been no violation of the law of nations; and again, the owners of those ships and cargoes might have indemnified themselves by insurances. Some of them had indeed effected insurances, and those insurances had been paid, and what right, after a lapse of thirty years, had those parties to come forward and ask for compensation? If the attempt now made, was to be sanctioned by the House, the greatest mischiefs would arise. The attempt rested solely on the proposition, that the original attack on Copenhagen was unjust, and uncalled for, and therefore that the Government of the country ought to recompense the sufferers from losses arising from a mistaken policy. Now, he fearlessly stated, that no such principle could be found in Vattel, Grotius, Puffendorf, and other authorities on this subject. But it should be remembered that upon motion, and after discussion, the House of Commons held the Copenhagen expedition to have been justified upon good and sound grounds, and therefore the argument arising from that proposition must fail. Conceiving, then, there was a broad distinction between the claims which had been disposed of, and those now before the House, he held the latter to be untenable.

Mr. *Clay* wished to correct a misapprehension on the part of the Attorney-General, who said, that this was the first occasion when these claims had been brought before the House; whereas two years ago he had brought them forward and only failed by the small majority of eight. It was with deep regret that he still found the Chancellor of the Exchequer and the Government persevere in their refusal to recognize these claims, resting as they did upon the broadest grounds, as well of humanity as of justice. The opposition now offered to them was precisely the same as that which had been offered on former occasions. What was the nature of that opposition? It was said,—"The claims which we have admitted, the book debts and the goods on shore,"—by the way when his hon. Friend took credit for having conceded these claims, he (Mr. Clay) would remind the House that it was under the gentle compulsion of a strongly expressed opinion on the part of the House—it was said, that the seizure of these book debts and goods on shore was contrary to the law of nations; but the seizure of the property for which indemnity is now claimed is in conformity with the law of nations, and if these claims are conceded a dangerous precedent would be established. He much doubted, though he would not enter into authorities on the subject, whether the seizure of the book debts and goods on shore was so contrary to the law of nations, or at least so infinitely more opposed to the law of nations, than the seizure of ships in cargo. It was not in the smallest degree necessary in his case that he should make out that point. The Attorney-General had said that the seizure of the book debts and the goods on shore was contrary to the law of nations, and the British Government was entitled to call upon the Danish Government upon the return of peace, to compensate British subjects for the seizure so made. The British Government failed in that, and therefore British subjects had a fair claim upon their own Government. Now, in this argument, the Attorney-General seemed to have forgotten that the Danish Government were called upon for those very book debts, and goods on shore, and by the treaty of Kiel, Denmark admitted the right of indemnity to those British subjects whose book debts and goods on shore had been seized. That these claims had not been enforced against the Danish Government was no answer. The Chancellor of the Exchequer talked of the danger of establishing a precedent of compensation for the consequences of "ordinary warfare." Why this warfare was wholly unparalleled, and he hoped that no future page of British history would be polluted by the record of such an action—As to the seizure of the Danish navy, he made no comment. It was difficult to enter into the feelings of a people under the pressure of a war such as that in which England was then engaged—But it was the atrocious act of seizing 320 Danish merchantmen in our harbours upon the faith of treaties—it was this which provoked the Danish reprisals, and it was this to which he hoped the future annals of Britain would furnish no parallel. The hon. and learned Attorney-General had said that the claimants might have protected themselves by insurances. Now what were the facts? At the time these ships went out, the country was in a state of profound peace. It was not the habit of merchants to insure their cargoes out and home, but the custom was to insure them on the homeward voyage, on receiving advices that the ship had set out on her homeward voyage. Now, he could state, without the fear of contradiction, that no insurances could then be effected on ships going out to the Baltic, that no underwriter would at that time have undertaken the risk, and he hesitated not to add, that the British merchantmen which at that time went to the Baltic had been trepanned and deluded into a situation from which they could not escape. He had authorities for this assertion. Among others he had the affidavit of John Haywood, the commander of the John and Elizabeth, of Scarborough, who sailed from this country to the Baltic in September, 1807. On the 16th of that month he arrived at the station, and presented himself on board the flag-ship of Admiral Gambier, and inquired if he could proceed up and down the Baltic, and to that inquiry the Admiral replied "With perfect safety." He accordingly proceeded up the Baltic, and wrote home to effect insurances—what was the answer he received? Why, that insurances could not be effected at any premium. Admiral Gambier came away without leaving a frigate or even a single gunboat to protect them, and the British merchantmen were taken in a trap as completely as Danish ships could be under the guns of the tower. He had another instance to cite, that of William Harrison, of Kingston-upon-Hull, who having suffered from the embargo in Russia in 1801, and being about to charter a vessel of which he was commander and part owner for a voyage to the Baltic in 1807, considered it necessary to make an application to the Admiralty, in order to ascertain from the Government whether it would be safe to sail to Stockholm. On the 5th of September this party received an answer from the Admiralty, conveying the information that he would be safe not only to go to Stockholm, but to the Russian and Prussian ports. Harrison accordingly chartered his vessel, went out on the 10th of November, and on the 8th of December he was boarded by a Danish ship of war, and carried into Copenhagen. Was this an ordinary warfare? The Chancellor of the Exchequer had talked about the hardship of the case. But was it an answer to a demand frequently urged—a demand, the justice of which had been acknowledged—was it an answer to say, that having refused it until the evidence was partly lost, that should be a reason for now refusing to investigate it? He hoped, that his friends near him might consider themselves the guardians of the public purse, they had done enough to satisfy the most conscientious scruples, and he hoped they would consider the claims of justice and humanity which were always paramount to any other.

Mr. *Warburton* wished to make a remark or two in reference to a statement made by the Chancellor of the Exchequer as to what had fallen from him on a former debate. Being pressed to state what the amount might be he declined to give any information: but afterwards said that the particular claim to which he alluded might be from 70 to 80,000*l.*; but in consequence of some additional facilities having been given to ascertain the amount, it was found to be 100,000*l.* The whole argument urged against the motion was, that we were in a state of war at the time, whereas we were in a state of peace; and the hon. Member for Cambridge on a former occasion did not venture to say we were in a state of war; he said there was an indication that something like a declaration of war was on foot. Now that appeared to him to be a state of peace.

Mr. *Goulburn* said, that he rose to say a few words, lest by his silence he should be supposed to have changed his opinions upon this question. He knew not whether the hon. Member who had just sat down had quoted correctly the expressions he (Mr. Goulburn) had made use of on the former debate, but he was prepared to state, that he was satisfied that the acquiescence in the claims made in the present instance would go far to shake the naval supremacy of this country. He knew that the laying an embargo on ports and the issuing of letters of marque were the mode by which Great Britain first indicated a declaration of war. If, therefore, we admitted the principle that seizures made by way of retaliation were prizes for which England was to pay, we should be dealing not only with Denmark, but with every nation. It had been made a question whether it was right to make seizure of merchant vessels in any case. Upon that question he would not enter, and he would merely remark that the House was not now called upon to lay down a particular rule, but that the question was whether they should apply this principle to the particular case.

Sir *F. Trench* said, the admirable statement of the hon. Member for the Tower Hamlets embraced the whole strength of the case. The question was not whether the time had elapsed for these claims to be considered. No time should bar the cause of justice, and he hoped this day to see the cause of justice triumphant.

Mr. *Creswell* felt bound in reply, to notice what had been said by his hon. Friend the Solicitor-General. He had complained against him personally; now he could not but think, that that complaint was totally without foundation. His Friend had said, he had been taken by surprise—that he had had no intimation by the notice of motion what it was he asked. Now, he could not but think, when he had stated, that it was his intention to draw the attention of the House to the petition, that he was not expecting too much in presuming, that his learned Friend had read it. Perhaps, however, his learned Friend had read another petition, and fearing, that he might have done so, he would just read a word or two of its prayer.—It prayed for the compensation for goods afloat, stating also, that compensation had been already given for the loss of book debts and goods on shore. That being the case, he was surprised, that the hon. and learned Gentleman should have complained of him. He would now come at once to the arguments of the Chancellor of the Exchequer and his two hon. assistants. It certainly was the duty of the Chancellor of the Exchequer to be just to the public, but it was much more his duty to be just to individuals; because by injustice being done to an individual he might be ruined, whereas it would not be felt by a body. He was surprised at many of the arguments of the Chancellor of the Exchequer. He was surprised to hear him say, that the sum required was large. Did the Chancellor of the Exchequer mean by that, that when the sum was large, justice was not to be given. But where it could be obtained at a paltry price, then that it was to be rendered. The arguments of the Attorney-General, that there was a distinction between the claimants for goods on shore and book debts, and those for goods afloat, was totally without foundation. If there was no distinction, which he positively asserted there was not, then there was no resource left but for the House to be against the Government. And it would be bound to say to the Government—" If you do not make compensation, we will either compel you by force, or we will make compensation ourselves." It was not to be said by the Government, that if reprisals were made then that they would wage war. Yet such were the arguments that had been made use of to-night, in order to avoid giving compensation. But on the other hand it was said, that by the Articles of War the act that had been perpetrated was justifiable. He denied, that there was war, and such being the case, the acts that had taken place were totally uncalled for, and Government was bound to make compensation. He again asserted, that there was no war, and his Friends who had built their arguments upon that supposition were mistaken. The right hon. Gentleman had said, suppose the goods were insured? Now he would answer him by supposing, that they were not; could justice in such a case be done to the underwriters without compensation being given them? It was no answer for a party to say, that he had received the money from the underwriter, because in that case he would be the trustee for him. So also in the case of the collusion of ships, it would be no answer to say, that the underwriter had been paid. All he asked for the claimants was justice, which he trusted the House would give him by its vote that night.

The House divided:—Ayes 115; Noes 81: Majority 34.

The *Chancellor of the Exchequer* begged to say, that he should not take upon himself any responsibility in consequence of the vote which had just been come to by the House.

List of the AYES.

Aglionby, H. A.
Aglionby, Major
Attwood, M.
Bagge, W.
Bailey, J., jun.
Baker, E.
Barnard, E. G.
Bell, M.
Bentinck, Lord G.
Bethell, R.
Blackburne, I.
Blackett, C.
Blake, M. J.
Bowes, J.
Broadley, H.
Bruges, W. H. L.
Burr, H.
Burroughes, H. N.
Butler, hon. Colonel
Canning, Sir S.
Cayley, E. S.
Chalmers, P.
Chapman, A.
Chichester, J. P.
Chute, W. L. W.
Clay, W.
Collier, J.
Craig, W. G.
Darby, G.
Douglas, Sir C. E.
Duke, Sir J.
Duncombe, W.
Dundas, F.
Eaton, R. J.
Fector, J. M.
Fielden, W.
Filmer, Sir E.
Gaskell, Jas. Milnes
Glynne, Sir S. R.
Godson, R.
Grey, Sir C. E.
Grimsditch, T.
Hall, B.
Harland, W. C.
Hinde, J. H.
Hodgson, R.
Holmes, W.
Hope, G. W.
Hotham, Lord
Howard, P. H.
Hume, J.
Hurt, F.
Hutt, W.
Ingham, R.
Irton, S.
Jackson, Sergeant
James, Sir W. C.
Kirk, P.
Lambton, H.
Langdale, hon. C.
Lascelles, hon. W.
Leader, J. T.
Liddell hon. H.
Loch, J.
Lockhart, A. M.
Lowther, J. H.
Lygon, General
Mackenzie, T.
Maclean, D.
Martin, J.
Maunsell, T. P.
Miles, P. W. S.
Morgan, C. M. R.
Morris, D.
Neeld, Joseph
Neeld, John
O'Brien, W. S.
Ord, W.
Ossulston, Lord
Packe, C. W.
Pakington, J. S.
Perceval Colonel
Pigot, R.
Plumptre, J. P.
Pringle, A.
Pusey, P.
Richards, R.
Round, C. G.
Rundle, J.
Rushbrooke R.
St. Paul, H.
Sandon, Lord
Scarlett, J. Y.
Scholefield, J.
Scrope, G. P.
Seale, Colonel
Sheppard, T.
Sibthorp, Colonel
Sinclair, Sir G.
Staunton, Sir G.
Stuart, V.
Style, Sir C.
Thompson, Ald.
Trench, Sir F.
Vere, Sir C. B
Vigors, N. A.
Vivian, J. E.
Waddington, H.
Wemyss, J. E.
White, A.
Wodehouse, E.
Wood, Sir M.
Wood, G. W.
Worsley, Lord
Wyndham, W.

TELLERS.

Creswell, C.
Warburton, H.

List of the NOES.

Anson, hon. Colonel
Archbold, R.
Barry, G. S.
Bernal, R.
Bewes, T.
Briscoe, J. I.
Brownrigg, S.
Byng, G.
Byng, G. S.
Campbell, Sir J.
Cavendish, hon C.
Chester, H.
Clerk, Sir G.
Collins, W.
Courtenay, P.
Dalmeny, Lord
Dennistoun, J.
Duckworth, S.
Duff, J.
Dundas, Captain D.
Elliot, hon. J. E.
Erle, W.
Etwall, R.
Evans, W.
Ferguson, R. C.
Finch, F.
Fremantle, Sir T.
Freshfield, J.
Gordon, R.
Goulburn, H.
Graham, Sir J.
Grattan, H.
Greenaway, C.
Grey, Sir G.
Handley, H.
Heathcote, G.
Hector, C. J.
Hobhouse, T. B.
Horsman, E.
Hoskins, K.
Law, hon. C.
Lister, E. C.
Lushington, Dr.
Lushington, C.

Macleod, E.
M'Taggart, J.
Marsland, H.
Melgund, Lord
Morpeth, Lord
Murray, J. A.
Muskett, G. A.
Nicholl, J.
O'Ferrall, R. M.
Palmer, C. F.
Parnell, Sir H.
Parrott, J.
Pechell, Captain
Rice, T. S.
Rich, H.
Rolfe, Sir R. M.
Russell, Lord J.
Seymour, Lord
Sheil, R. L.
Smith, hon. R.
Smith, R. V.
Somerville, Sir W. M.
Stanley, E. J.
Stansfield, W. R.
Steuart, R.
Strutt, E.
Surrey, Earl
Tancred, H. W.
Townley, R. G.
Troubridge, Sir E. T.
Turner, E.
Vivian, Sir R. H.
Williams, W. A.
Winnington, T.
Wood, T.
Yates, J. A.

TELLERS.

Wood, C.
Labouchere, H.

RIOTS AT THE ROXBURGH ELECTION.] Sir *James Graham* said, that he rose to bring under the consideration of the House a subject which appeared to him to be of the greatest importance, as touching not only freedom of election, but as touching that extended franchise which it had been the pleasure of the House recently to grant to the people of Scotland. In the course of the observations which he was about to offer, he begged most positively to disclaim calling in question or impugning in any degree the decision of the last committee appointed under the Grenville Act to try the merits of a petition against the return for the county of Roxburgh. He might indeed entertain a strong opinion, after perusing the evidence given before that committee, that the Gentlemen who composed it had arrived at a decision different from that to which he should have come himself. He was aware that this case might be cited on some future occasion by those who entertained an opinion of the necessity of making some change in the constitution of Election Committees, or of the propriety of transferring the jurisdiction which they exercised to another tribunal. But, for his own part, while the Grenville Act remained unrepealed, he should always consider it a prominent duty to treat with respect the decisions of committees appointed under the Grenville Act, when he recollected that the Gentlemen who pronounced those decisions arrived at them under the obligation of an oath, and under the strictest sanction of all that ought to be binding upon their consciences. Having said thus much, he would now state to the House the personal reasons which had induced him to take a prominent part in bringing forward this subject in the House of Commons. In the first place, from the earliest period at which he had taken a part in public affairs, he had been one amongst those who were most anxious for the extension of popular privileges to the people of Scotland, for he then felt, and he continued deeply to feel, that the intelligence of the people of that country, their high moral character, and the knowledge which they possessed, founded upon popular education, entitled them to the enjoyment of every political privilege which freemen ought to possess. It was his good fortune to have co-operated with his relation, Lord Archibald Hamilton, in the efforts which had been made towards obtaining for the people of Scotland greater political privileges. He did not regret those efforts, and he still rejoiced at the circumstance that his friends had obtained an extension of popular rights. But he felt that the circumstances which he was now about to bring under the consideration of the House required the prompt, immediate, and decisive attention of Parliament, for if the injuries which had been suffered remained unredressed, his opinion was that it would bring the concessions which had been made into disrepute, and alienate the public mind from those concessions and it would be more detrimental to popular privileges than any event which had in his memory ever arisen. It might be asked why he, who was not a Scotch representative, took up this subject? His answer was, that he lived on the confines of the county of Roxburgh. Those persons whose feelings had been outraged, and outraged to an extreme extent, were his neighbours, and some of them his friends. He believed the danger which had arisen from the outrages in question was of a character so serious that not a moment was to be lost in applying a practical remedy. He spoke from his own local and personal knowledge of the fact. [*Cheers.*] The hon. and Gallant admiral who cheered, spoke, no doubt, from distant rumour. He could assert from his own knowledge, that the state of society in that neighbourhood had undergone a serious change, and it was his humble but decided opinion that some legislative interposition was imperatively demanded. He should not indulge in any declamation on this subject, but he rested his case on facts, and so resting it, he hoped the House would excuse him if he ventured to do that which he feared the House seldom received with patience, by calling its attention to written documents—documents of no ordinary character, and also to the sworn testimony of witnesses taken before an election committee. It was scarcely necessary for him to state to the House that the last election for the county of Roxburgh took place on the 3d of August. But previous to the commencement of the election—previous even to the day of nomination (as was stated in a petition, signed by 600 freeholders, which he had presented to the House)—a meeting was held, at which ninety-five freeholders, six of whom were magistrates, attended, and, being averse from experience, to Hawick as one of the polling-places agreed to a memorial to the Lord-Advocate for Scotland, which was presented to that functionary through the sheriff of the county. The memorial stated, that rioting and disturbances had taken place frequently at that town during polling-days, especially upon the last occasion of an election being held for the county of Roxburgh, and that the civil power was incapable of repressing those riots, the repetition of which was apprehended; that at the previous election, as well as upon former occasions, much injury had been done to the persons of the voters, and much property had been destroyed in the town; that the memorialists felt satisfied, that great risk would be incurred both by themselves and by their neighbours, as well in their persons as in their property; and they therefore felt convinced that the assistance of a military force was required, in addition to the ordinary police force of the district. This was the substance of the memorial which had been presented to the Lord-Advocate by the sheriff of the county. He would not trouble the House with the correspondence which had taken place to a considerable length between the sheriff and the learned Lord-Advocate. It was enough for him to state to the House, that the Lord-Advocate inquired of the sheriff whether, before this period, any communication had taken place between him and the bailies of Hawick. It was necessary that he (Sir J. Graham) should acquaint the House, that Hawick, not being a royal burgh, contained two officers named bailies, of whom one alone was a magistrate for the county. He should also state, that after the magistrates and gentry of Hawick and its neighbourhood had held that preliminary meeting at which the memorial was agreed to and signed by ninety-five magistrates and freeholders, the sheriff opened a communication with the two bailies, conveying to them an intimation of what had occurred at the meeting. These two magistrates, however, persisted in refusing any participation in the responsibility of maintaining peace at Hawick, either with the sheriff or with the county justices, and insisted that, if they should have the responsibility, it should be exercised independently of the sheriffs and county justices, or they otherwise would relinquish all share in it. Now, it should be observed, that these two bailies were notoriously warm partisans of one of the candidates at that election—the hon. Gentleman who sat opposite—and one of them had presided at an election dinner given shortly before, at which a noble Earl, the brother of that hon. Member, was present. In short, he had conducted himself in every respect as a warm partisan. The House would, perhaps, pardon him for saying, that he should be sorry at any time to say anything in the least degree painful to the feelings of his hon. and learned friend the Lord-Advocate. For many years of his life he had enjoyed his intimacy and partaken of his kindness; and nothing but a reluctant sense of duty could induce him to say anything tending to reflect upon that learned person's character. But he must say, in the discharge of his duty, that he thought he would pardon him for saying that his honest zeal for his party had more or less betrayed his judgment on this occasion, and he thought that his holding communication with the bailies under the circumstances of this case, and his permitting them alone to act, was not a judicious course. This was not his individual opinion, but he had a string of legal authorities to support it; and in the cases of Coventry and Nottingham it was seen, that election riots took place under the local magistrates, and the remedy which Parliament applied was, to give to the magistrates of the county a concurrent jurisdiction. Now, in this case of Hawick, the magistrates of the borough had an exclusive jurisdiction, and no one could say, that the magistrates of the county had a concurrent jurisdiction, and yet what was the course taken by the learned Lord? He recommended the magistrates of the county to come to an arrangement with these two local magistrates, and then it eventually ended in his sanctioning an arrangement by which the sheriff and the county magistrates were denuded of all authority; and the whole power was transferred to the two local bailies, of whom one was a grocer, he believed, and the other a stocking-weaver. Surely, this was an act of decided indiscretion on the part of the learned Lord. He must, in passing, observe, that when the petition was presented affecting this return, one of the allegations of which was touching the peace of the borough during the days of polling, and when, therefore, the arrangement to which he had referred, respecting the preservation of the peace, must naturally form a subject of consideration, he did think it unfortunate in his learned Friend to place himself in a position in which by the rules of the House, he necessarily became a judge in a case where his own conduct was at least indirectly impugned. Over that inquiry, however, the hon. and learned Gentleman presided, and upon the report being presented to the House, his name was prefixed to it. Having stated this much with regard to matters preliminary to the election, it now became his duty to state to the House, from the evidence before him, what were the principle facts connected with the gross outrages which had been committed at the last election. He would endeavour to show to the House, and to prove by evidence —first, that these outrages were violent and brutal in the extreme, and he should next endeavour to show that they were organised and directed by the partisans of one of the candidates, with a view to overawe the freedom of election; next, that they were sanctioned by the legal authorities of the place; next, that they succeeded in the object of overawing the freedom of election, that they were preconcerted, and were continuous from former elections in which this habit had existed, and these were all the points which he should endeavour to establish. He had already said, that the polling commenced on Monday, the 3d of August, but it was a strong feature in this case that violence of the most outrageous kind was committed on the evening antecedent to the day of polling, it did not arise when the poll had begun, but all the arrangements appeared to have been made for it on the evening before that commenced. On Wednesday, the 2d day of August, the mail was expected to arrive from Edinburgh about dusk, and there was reason to believe, that one of the agents of Mr. Scott and a Mr. Horne would arrive in it; and he should now refer to the evidence of a witness named Robert Burgess, who was examined before the committee, and who deposed to the circumstances connected with the arrival of the mail, and to the mob endeavouring to open the door of the mail coach. He was then asked—

"Did you hear the mob mention any one's name?—They mentioned Mr. Horne's name.

"What did they say about him?—They said they would kill him.

"Did you see them attack any gentleman? —Yes.

"Who was it?—Mr. Berwick.

"What did they do with him when they got him into their hands?—Tore his clothes, and struck him."

Mr. Horne had escaped from the opposite side of the carriage, but Mr. Berwick was not so fortunate, and he was seized by the mob and ill-treated; and he would read to the House the account which he gave of the mal-treatment he experienced on that evening. He was seized and was in the hands of the mob, and he would now read his evidence. He was asked—

"Did you hear any thing said by the mob at that time?—Yes.

"What was it?—There were several voices called out to 'Swear him! swear him!'

"You heard that called out in the mob?—Yes.

"After the mob had called out that, did any particular individual in the mob address you? —Yes.

"What did he say to you?—He asked me if I would swear I would not vote.

"You had voted at the election at Hawick before?—Yes.

"In the election of 1835?—Yes.

"Did you vote for Lord John Scott, or the other candidate?—Lord John Scott.

"Were you known as a voter likely to vote in that interest?—Yes, as likely; my coat was covered with spit at the election in 1835.

"You live in that neighbourhood?—Yes; seven miles from Hawick, in the summer time.

"After this person had addressed you in this manner, did you make him any answer? —Yes.

"What did you say to him?—I said, I will not swear.

"Did you say that in a loud voice?—Yes; as loud as I am speaking now.

"Could the persons in the mob round about you hear it?—Yes.

"Did they proceed to take any steps upon that answer of yours?—Yes.

"What step did they take?—They began to tear my clothes, and kicked and jostled me, driving me always further from the inn.

"Whilst they were performing these operations, did they utter any other expressions? —Yes.

"What did they say?—One of them called out, 'Down with the damned Tory, Berwick, and tramp him in the dirt.'"

[The right hon. Baronet quoted this witness's testimony at great length to shew that he was ill-treated for a considerable time and obliged to defend himself.] He would not go any further except to remark that on this occasion no constable appeared. No effort was made to preserve the peace, and Mr. Berwick escaped at last to his inn quite exhausted, and with the utmost difficulty, and this, it must be recollected, was on the evening preceding the poll. It was now his painful duty to state some of the gross outrages which took place on the day of the poll, and he thought that such were the facts proved, that the House would have no hesitation in admitting, that the conduct of the mob towards the voters was brutal and violent in the extreme. He would first quote the evidence of Robert Patterson, and there was a remarkable fact proved with regard to him and to other voters. They lived in Hawick, which was their native place, and one would have supposed, that under those circumstances, they might have continued peacefully to inhabit their homes; but what was the fact? It appeared, that a considerable number of persons in the situation of the witness, not daring or venturing to remain in their own houses in the night, were compelled to go to the quarters of the candidate whom they intended to support; and here he might mention a fact which was important, as it served to show how generally the feeling pervaded even those who were bound to preserve the peace, to favour one party and to place the other under every possible disadvantage. Mr. Scott was the unpopular candidate, and the polling-booths were placed so as to give to his voters every facility to go to the poll; but then the *exit* from the booth was so managed, that, instead of the voter passing away by the other side of it, he was compelled to return, and to go into the market-place into the very body of the crowd, by whom they were received and punished. In this case, then, of Patterson, he had given his vote, and he said, that after he had done so, he endeavoured to return to the inn, the quarters of the candidate whose interests he supported, and he endeavoured to rejoin his friends but was seized by the mob. He was asked—

"Were there any constables standing near the door?—There were constables standing at the front door of the Tower; they almost filled it up with constables."

The witnesses also gave the following answers to questions:—

"There was a mob close by the back of the inn, and they knocked and pulled me round by this great crowd of people. There was no protection. The mob carried me along to Slitrigg Bridge-end. They kicked me with their feet, and stripped the clothes off; coat, waistcoat, and sark, and under sark, and my hat was knocked off when I was at the Tower Inn door. All that was done when they were carrying me along, and crying out, 'Kill him out, kill him out, the b——.' Besides being kicked, I was struck upon the head, and the hair torn off my head. One voice cried, 'Let him go,' and another, 'Hurl him over the bridge.' I got away from them at last. I ran into Walter Turnbull's, a stocking-maker. The mob were at the door, and I hid myself below the bed. The mob came in: they searched for us and found us out. They struck us while I was below the bed. I came out then."

Now he begged the attention of the House to the next questions, and the answers given to them. They were:—

"Did you offer anything to one of the mob?—I offered the man who struck me below the bed a shilling, I cannot say who it was, to let me alone, and the voice of the multitude outside was to crush the bed down and murder him out.

"When you had come out was any thing said about swearing you?—Yes.

"What was said?—There was one administered an oath to make me swear, that I would not vote again; I cannot recollect the words; life was left in me, and that was all.

"They made you take an oath that you would not vote again?—Yes.

"Did they then go away?—Yes, they fled away; some cried out take him out, that they would cut me all to pieces; and others cried out it was impossible, the multitude was so great at the doors.

"Which way did you go?—I went out over the back window.

"Your clothes were gone; how did you cover yourself?—They were all cut up round the left thigh, and there was a woman fetched me a shirt."

He would now read one more case to substantiate the charge of there having been violent and brutal outrages, and that case was fully as strong as those to which he had already called the attention of the House. The name of the witness was Richard Young, and he also lived in Hawick; but he did not venture to live in his house, but left it to go to the quarters of the candidate for whom he proposed to vote. But what took place before he left his house? The mob came and broke his windows, and his children being in the front room, it became necessary to take them to the back apartments; and having then been attacked with so much violence, he dared not stay any longer at home, but was compelled to leave his house and his children, in order to seek security for himself. His examination was to this effect:—

"I polled (he said) a little after two o'clock. I saw the treatment that many of the potters got, and I was afraid to come out to the poll. Nothing was said to me. I heard no offer of protection. I saw in the polling booth, Admiral Elliot, the two bailies, and Major Potts. The people outside said, 'Send Dick out.' That was said loudly several times."

The House would remember that he had already called their attention to the entrance and exit to the polling booths; and although in this instance the witness begged to be permitted to quit the booth by the safe mode of retreat, and applied for the protection of the bailies, he was compelled to go through the market-place among the mob.

"I asked," he said, "the protection of the bailies to go to the eastern door first, and they told me to stop a little; but they never said that they would give me any protection. I went up to the west door, and was up two steps of the door of the Tower inn. The constable was there. I applied to him to stand out of the road; to clear the road, and let me in. He did not. In consequence of not being able to get in, the mob catched me by the tails, and pulled me backwards. They commenced pulling the clothes off my back. They took off coat, waistcoat, and breeches, linen and flannel shirt. They left my drawers, stockings, and shoes, and breeches from the knees downwards. They tore my clothes off. They took me first to the end of the old bridge. A constable that was standing at the Tower inn door was with me. I caught hold of him, and kept hold of him, the same time on the bridge. He was along with me when at the bridge. The cry was, 'Throw him over the bridge.' They asked me if I would ever go in and vote for the Tories again. They caught hold of me by the neckcloth, and nearly strangled me. I fell. I got upon my feet again and tried to get away from the mob several times, but could not. They took me along the Tower-dyke-side As we were going along the Tower-dyke-side, I saw Mr. Elliot, of Woolfrey, a magistrate. I applied to him for assistance. He said he could not get at me. The mob carried me on. I got into Alexander Mayer's house, the currier, by the Tower-dyke-side, having lost all my clothes. I was kicked and struck several times on the head. They made several grasps at my hair, but it being short they could not get hold of it."

Now it might be said, that this process of throwing the voters, after having stripped and beaten them, into the river had been exaggerated, and that the water was not deep at the time; but it did so happen, that there was a witness present when the young man was thrown into the river; his name was Walter Scott, and he stated—

"I saw a man rise up from the water, and, after he rose up, he fell just down again; he was so exhausted that I could compare him to nothing but a weak sheep coming out of the washing pool. It was David Tully. Mr. Ballantine, of Shaws, was also in the hands of the mob."

He would now proceed to a description of the proceedings of the day as given by a military man, who might be regarded as an impartial witness. He alluded to the Honourable Major Napier, who was a passenger in the mail that passed through Hawick on the first day of the poll. After stating that the mail arrived at that place at one o'clock, and they found a great crowd assembled, he said,

"The mob went to the coach itself; he saw them walk round it, and look in at the windows; they were looking for Lord John Scott; they wished to know whether he was in the coach or not. The mob was a numerous one. I only saw one colour, a blue ribbon, which, I believe, the greater part of them had. One of the crowd said to me, 'If you value your life for a minute, do not attempt to come off the coach,' or some words to that effect. My answer to that was, 'I had nothing to do with it; I was no elector, but going to this house.' Upon that a man said, 'Really not?' I said, 'Really not;' upon which he took the ribbon out of his coat, and gave it to me, and told me to put it into mine, which I did; he then said, 'Now your life is safe,' and the mob gave a cheer."

What did hon. Gentlemen think was the view that Major Napier took of those proceedings under his eyes. He was asked,

"Did it appear to you to be a violent mob?—I never saw such a mob before; it was quiet for an instant, but it soon seemed to be worked up to a state of fury on their perceiving Lord John Scott had reached the baker's shop."

This was the evidence of one whom he was sure would be regarded by Gentlemen opposite as an impartial witness. He would proceed to the evidence of a clergyman of the church of Scotland, who was at the time of the election on a visit to Hawick, but who was not engaged in the election. The name of this clergyman was the Rev. Charles Thomson, who was on a visit at the house of Mr. Ballantine. Before, however, he proceeded with the evidence of this Gentleman, he would for one moment refer to the latter Gentleman. This Gentleman formerly was a strong Reformer, and had always supported the Liberal candidate until the last election. He stated in his evidence that the reason he then declined doing so, and he stated, that he informed the hon. Member opposite of his intention, and wished to remain neutral, was because he considered Mr. Elliot and his party were carrying things too far in politics, and he could not go with them. Mr. Ballantine stated, that, although he had declared his intention to remain neutral during the election, he had changed his mind, and voted for the hon. Member opposite, in consequence of the intimidation exercised towards him. The Rev. Mr. Thomson stated,

> "Shortly after the polling commenced, my attention was called to the booth by a great noise at the end of the booth out of which the voters, after having voted, were to come. The crowd crushed towards that particular place, and a great deal of tumult and confusion went on; and in no very long period a number of individuals came running towards the house where I was, towards the bridge, over a small stream called the Slittrigg. They went and looked down the street, and soon after that, or about the same time that they came rushing towards the bridge, a number of persons came towards me, and I saw an elderly man in the hands of the mob, who maltreated him very much. I never observed the constables interfere in the slightest degree.
>
> The first person maltreated on the first day of the polling was an elderly man?—At least I so guessed from his head being very bald. He appeared completely in the hands of the mob—he appeared borne off his feet among their hands; I could only see the upper part of his body down thus far (the breast); they were pulling him about, and they seemed to me beating him with their fists; and I saw an individual lay hold of a kind of long rail which appeared to be torn off an outside stair close by, and strike over the heads of two or three at the head of this old gentleman

He could enumerate several other instances, but as he had already trespassed on the indulgence of the House so long, he would not state them, as he should otherwise probably weaken their attention, and do injustice to his case; but there were not merely cases of violence, and rioting, and assault, but there were also cases of robbery. For instance, a person of the name of Berwick had his pocket-book taken from him, containing 12*l.* 15*s.* A man of the name of Oliver said, that the mob attempted to rob him of his watch. Mr. Smail, a voter, another witness, said—

> "I was seized by the mob and dragged along the street for a great many hundred yards; my clothes were torn off my back, even my very shirt was torn off too, and I lost my hat, my coat, my stock, my pocket handkerchief, some valuable papers I had in my pocket, and some money, I cannot say to what amount.'

Thus not only the violence of these lawless persons was great, but it seemed to be sanctioned by high authority. It was distinctly proved on oath, that both the bailies to whom the maintaining the peace of the town of Hawick was intrusted appeared decorated with the colours of the popular candidate. Mr. Ballantine said—

> "I saw Bailie Goodfellow during the election wearing the blue colours, Mr. Elliot's."

Again, there was similar testimony as to the other bailie of the town, bailie Wilson, being similarly decorated. This was also stated in the evidence of Lord John Scott, who said, that Bailie Wilson when he came to the mail-coach to afford him protection was in an excited state, and appeared wearing the colours of the hon. Member opposite. He was bound to say, that speeches were made not only by the hon. Member himself, but by his brother the admiral. He (Sir James Graham) would not venture to characterise those addresses, but he would refer to the opinion and judgment on them of a most learned and respectable witness as to their nature. The Rev. Mr. Barton had seen the state of excitement which prevailed when the polling was stopped at one o'clock in consequence of the prevalence of disturbance. He was asked—

> "Did you hear Admiral Elliot address the mob?
>
> "Yes: I heard rather indistinctly that, in so far as I was able to remain at the window in consequence of the throwing of the stones. I heard him congratulate the mob upon their prospects of success; I heard him state, that they had received great provocation; I heard him caution them to be more moderate in their proceedings; I heard him state, that one or two had been rather roughly handled; I heard him recommend them to go home with quietness, and come back and give him their assistance to-morrow morning, and that there could be no doubt of the result."

This address was made to the mob at large, and not to the electors. He had mentioned two or three cases of persons having been brutally treated; he could describe from ten to fifteen similar cases of brutal treatment by this mob from the evidence of this witness; and notwithstanding this, the mob was requested by the gallant admiral to come the next morning to give their assistance. Could there be any doubt as to the nature of this advice? The next person whose evidence he should refer to was Mr. Selby, the agent to Lord Minto. One of the witnesses stated—

> "He called upon the mob to desist, and said, 'He is not one of the bad ones,' or words that effect."

What was the obvious import of these words? Were they not quite intelligible? It would only mean a similar suggestion as that contained in the speech of Admiral Elliot. He had mentioned the speeches of Admiral Elliot and of Mr. Selby, the agent of Lord Minto: he would now shortly call the attention of the House to the speech of Bailie Goodfellow, who, according to the evidence of one of the witnesses, was said to be one of the persons who was taking an active and principal part in the riotous proceedings of the mob,

> "Go home, my good fellow, and be quiet; go home, my good lad, and be quiet; there is another day coming, you know."

These words, he contended, clearly bore reference to the second day's polling. He now came to a part of the case which he could not help feeling a painful duty to be obliged to advert to. On the first day's polling Lord Minto had headed a procession and had taken an active part in the proceedings around him. He was present at Hawick during the election at the house of a relative of Bailie Wilson's, and this person had formerly been bailie of the town. In question 1847 it was said, that Lord Minto addressed the mob, but it did not appear that the witness heard what the noble Lord said. He was asked—

> "Did you see Lord Minto, or did you hear him addressing the mob on the second day's polling?—I was not so near as I could hear him distinctly; I heard his voice, but I could not hear the words.
>
> "Was he addressing the mob?—Yes.
>
> "Did he take a show of hands on that occasion?—I think he did, but I do not exactly recollect it; but I saw his Lordship addressing them."

According to his (Sir J. Graham's) English notions, there was some novelty in a Peer of Parliament addressing a riotous mob, proposing a question for their decision, and taking it by a shew of hands. He could make allowances in a case where a noble Lord's brother was candidate, and also for the great excitement that prevailed; but he must express his astonishment at the proceedings that had taken place. He was not aware that anything that he said could be construed into anything like treating the noble Earl with a want of respect; but he was bound to say, and to what he said he would adhere, that the noble Lord's position was peculiar, for he was not merely a Peer of Parliament, but was also one of her Majesty's confidential servants; and that, as a Peer, and still more as a Cabinet Minister, he ought not to have interfered with any part of the proceedings. Above all, the noble Lord should not have gone so far as to have interfered with the conduct of Mr. Craigie, the sheriff-substitute, when that functionary made an application to the Lord-lieutenant of the county, suggesting that the military ought to be directed to come within a shorter distance of the town. In this matter the sheriff-substitute had to exercise a nice discretion, and it was most unfit that the noble Earl, or any other person, should have interfered with Mr. Craigie. That gentleman filled a situation comparatively subordinate, viewed in contrast with the noble Earl. He was a person of no weight or authority, but he was responsible for the fair and open conduct of the election; and so much embarrassed was he by the difficulties to which he found himself exposed, that he stopped the poll; but there he unfortunately violated an act of Parliament, for he ought to have communicated the fact to the sheriff. In this state of things, he was pressed by the representations of the hon. Member's friends, and so overpowered by them, as to consent to re-open the poll. Such was the violence and confusion which prevailed, that the sheriff-substitute thought the presence of the military indispensable. What did Lord Minto then do? He told the sheriff-substitute that, in the course he was taking, he had ventured to exercise a most unsound discretion. The noble Earl told Mr. Craigie, that peace would be preserved if he did not call in the military, and on the following day Lord Minto wrote as follows to the sheriff-substitute:—

> "Having been confidentially informed that there is an intention of calling a military force into the town, I should be wanting in my duty were I not to state my very strong opinion of the inexpediency of such a measure, as more than anything calculated to provoke disorder, and to lead to very serious calamities. From all that I have seen and heard, I cannot entertain a doubt that the magistrates, if subject to no intrusive interference, will, without difficulty, provide for the peace of the town and security of all persons."

And what did the House think the nature of this intrusive interference was? Why, applying to the Lord-lieutenant for his advice as to having the aid of troops to secure the peace of the town, where the poll had been interrupted in consequence of the rioting. For his own part, he thought that nothing could be more unwise and indiscreet than this interference on the part of Lord Minto. He thought that he had shown that these riots were not only of the most brutal character, but that they were intended for a particular purpose. He had already referred to the evidence of Mr. Burgess, which was clearly corroborative of this statement. Again, Mark Turnbull, gave this testimony:—

"Whilst in the hands of the mob, they took hold of my handkerchief round my neck several times; but I always unlocked their hands by mine. It was just for being a Tory."

Another witness, Matthew Plew, was attacked, according to the evidence, just after he crossed the bridge.

"By the mob I was attacked; a great number of men fled over me; one halloed out after another, 'There is a Tory, kill him;' and some of them kicked me by the legs; they got my clothes off, and they tore my clothes, and put their hand in my waistcoat pocket; they got my stick, and struck at me over head, and in all manner of ways, and I got some blows, but not very serious, and I got my legs kicked. My hat was knocked off in the crowd and lost; and they prevented me getting into the inn for a length of time."

Another witness, Mr. James Cline, (whose testimony was quoted by the right hon. Baronet) gave similar evidence.

The object of these riots, then, was intended to produce a particular effect; it produced that effect, and, in many instances, they were both premeditated and successful He had already mentioned the case of Mr. Ballantine, who said, that he had intended to remain neutral during the election, but that he had been intimidated into voting for the hon. Member opposite. Another witness, Mr. Rutherford Shiel, said:—

"I met three men on my way to the poll. I took them to be Hawick men. They said I was a rank Tory, and if I proceeded on any further to the poll they would strip me of my clothes and tear me all to pieces."

The witness was alarmed at this, and returned to his inn, and went home without voting. This was also the case with the Rev. Mr. Barton and three other clergymen, who were with him in Hawick during the whole day of polling. One of these gentlemen, finding that he could neither poll as he wished nor return home in safety, actually made a proposal to the other party, namely, that he would vote for the hon. Member opposite if he might be allowed to return home without molestation. Lord John Scott said, that he arrived at Hawick the day before the polling, and that he did not poll because he did not think that it would be safe for him to do so. ["*Hear, hear,*" from the Lord Advocate.] The number of the question was 4,580, and if the Lord Advocate would read it he would see that Lord John Scott did not vote.

"You were in the Tower Inn until after the close of the poll?—Yes, until after the close of the poll.

"You did not poll at all?—I did not at all.

"Now, I ask your lordship whether the violence you saw was sufficient in your judgment to intimidate and deter the electors from going to the poll.—Most undoubtedly."

Would Gentlemen opposite after this really contend that Lord J. Scott was not deterred from voting by the rioting and violence of the mob? That noble Lord had very good reason for believing that his attempt to vote was attended with danger, for he escaped with great difficulty from attacks made on previous occasions; and although he was exposed to perils from which he had escaped on one or two occasions, he might not be so successful the third time. In addition to this, they had reason to believe the bailie of the town was much alarmed respecting the safety of Lord John Scott. He had said, that this intimidation was successful, and he thought that they had evidence sufficient to show it was also premeditated. He had hitherto produced no evidence which had not been given before the committee, but he should now come to evidence which the committee had thought fit to reject, but which bore strongly on the case. The first witness of this kind to whose evidence he should allude, was that of Mr. Rutherford Shiel, taken from the precognition made by the sheriff, who stated:—

"About a week or ten days before the election I was in Beck's inn (the Coach and Horses), with Walter Wilson, baker, late first bailie of Hawick, on business, either receiving the price of, or selling wheat to him; when Wilson said that Hawick would not be beat, and that they had taken down a slap in the wall at the Slitrigg, opposite Tam Wilson's cauld, to duck the Tories in, and to purge them of their sins. And I believe that four or five nights before the election this slap was actually made. I have no doubt this was said by Wilson for the purpose of intimidating me from voting."

The House would perceive that the arrangements had been made long before the election, to deter the voters from opposing the hon. Member opposite, and particular places were to be proposed to hurl the voters into if they should support the unpopular candidates. This, then, was the nature of the peaceful influence to be exercised by the electors. The next witness to whose evidence he should allude was that of John Turnbull, who stated, that he was a stocking-weaver, residing at New Castleton, which was one of the strongholds of the opponents of the hon. Member, and working in the shop of Bailie Wilson, at the head of the Crescent, up to two days previous to the last election.

"Had been working there for some time before the election. There might be thirty lads altogether working in that shop. Whilst at work I heard the conversation that was going on. It was about the election."

The evidence that follows was not received by the committee, because it referred to matters that took place four or five days before the election.

"There were between thirty and forty men and lads working in the shop, and they knew that I intended coming home before the election. The election was the constant subject of conversation amongst them, and they appeared either to be the parties themselves who were laying plans of mischief, or at all events were cognizant of the plans. In particular, they repeatedly addressed their conversation to me, and amongst other things they told me, that if I remained they would not make me throw stones, but they would oblige me to carry them for them to throw at the electors. They also talked much about plans being laid for stripping them of their clothes, and that they would get the good coat-tails to make waistcoats of. They also repeatedly talked of the electors being to be ducked in the river. That they would watch those with surtouts, as they would make the best waistcoats, &c." [*Laughter.*]

Was this, exclaimed the hon. Baronet, a matter for laughter? He should have thought that the hon. Members would have joined in expressing their indignation at such proceedings. The witness proceeded to say:—

"They also said that I might go home and tell the villagers that, if they got into the town, they would never get away safe again; for that if last election was ill for rioting, this would be much worse, and they said that if Mr. Scott got in they were determined that there should be bloodshed."

Again, it would be found in the return of evidence on the table that there were other instances of intimidation in this place. Mr. James Davidson, a voter for Roxburghshire residing in Hawick, deposed to the mob coming to his house at night, and alarming his wife and family.

"They called out loud to me; my servant came up stairs, saying, if I did not come down and declare I would not vote, that was the last night I would have to live. To declare you would not vote?—Yes. How long did they remain about the house?—I do not know; it may be perhaps half an hour. Were any of the windows broken?—Yes. And I suppose your wife and your servants were greatly alarmed?—Very much alarmed."

Thus this voter was in bed with his family, and the mob came to his residence in the dead of night, and insisted on his promising not to vote, on the threat that if he would not do so, it should be the last night of his life. He had shown, that these proceedings were preconcerted, and would now go on to show that they had been continuous—that they had gone on from election to election—that they had spared neither rank nor sex—that outrages had been committed from time to time upon the highest as well as the humblest. In 1837, for instance, the Duchess of Buccleuch had been grossly insulted in passing through the place. In 1836, upon the day when the magistrates of Hawick were giving a dinner to Lord Minto, the family of Colonel Macdonald, consisting of his wife and sister, who were in an open phaeton, and his youngest daughter, who was on horseback, on passing through the town were followed out of it for a mile by a rabble of upwards of 100 persons shouting, and yelling, and pelting them with mud. Well, what treatment did Mr. F. Scott meet with during his canvass? He had informed him, that Walter Wilson, the late first bailie, and then one of Mr. Elliott's committee, was the individual who said to Mr. F. Scott, the candidate in Hawick, soon after the attack made upon him at the commencement of his canvass in the spring, that "he would have himself to protect from the river the next time he came." Having traced the frequency of these riots throughout the election of 1837, and their continuity to some time previous to the late election, he now felt it his duty to bring before the House the circumstances of the election of 1835, and to prove that they were of a similar nature to those of 1837; he would read a short extract from a letter of the sheriff of the county to the learned Lord opposite. The learned Lord having put several questions to the sheriff, that gentleman replied as follows:—

"Your Lordship's first query is, 'Who were the voters or other persons to whom injury was done at the last election, as stated by the ninety-five electors?' To this I cannot at present add any information to the statement transmitted by the coach. As to names, I may add, that very few electors escaped being insulted and spit upon, and many were injured, and the general observation which they individually made to me after returning from the booth was, that they would never vote again at Hawick. Query 3 is, 'That you will ascertain from the memorialists, what are the recent occurrences in the district to which they refer. Who are the persons from whom they apprehend risk to themselves and their neighbours, and what is the nature and extent of that risk?' It is impossible for me betwixt this and the election, to ascertain from the memorialists what are the recent occurrences to which they refer. I presume they refer, among others, to the attack which was made upon the hon. Francis Scott and his friends upon his first visit to Hawick for the purpose of canvassing, when they were surrounded by a mob, by whom they were jostled, spit upon, and attempts made to throw Mr. Scott down, and after a severe struggle they succeeded in escaping into the Tower Inn. The persons from whom they apprehend risk are that proportion of the manufacturers in Hawick and others who are in favour of Mr. Elliot, and who were guilty of such frequent and violent breaches of the peace at the last election. The nature of the risk, I presume, is danger to their persons and injury to property. I may add, that one individual mentioned in the statement by Mr. Elliott transmitted to-day, (Purdom) it is generally believed, died in consequence of the attack made upon him at last election."

With the permission of the House he would now read a short statement made by Lord John Scott of the treatment he received antecedent to another election, that of 1832, the first which took place under the Reform Bill. Having shown what the conduct of the people of Hawick had been at the elections of 1837 and 1835, he would show what had been their conduct at the first election after the elective franchise had been extended. Lord J. Scott, in regard to the election of 1832, would have stated before the committee:—

"I was a candidate at that election for the county, and was defeated by the hon. Captain Elliot. My supporters were on that occasion, and particularly at the polling-place at Hawick, very much abused by the mob, and my conviction then was, and still is, that they were encouraged to those acts of violence and annoyance by the Liberal candidate and his supporters. The magistrates of Hawick undertook the preservation of the peace on that occasion, but the constables were quite insufficient. I went to Hawick to give my own vote. I got to the poll-booth unobserved, and back to the inn, with the assistance of my friends, without receiving any injury."

The learned Lord Advocate doubted, that Lord J. Scott had been intimidated. Would the learned Lord have the goodness to give his attention to the following, which was a continuance of what he had just read:—

"I left the inn-yard soon afterwards, on horseback. My servant accompanied me, also on horseback. Immediately on leaving the yard, the attack by the mob commenced, and I was spit upon and pelted with mud and stones, and my horse struck. When about thirty yards from the stable gateway the mob set a bull dog at me, but it left me, and attacked my servant's horse. My servant hit it with his whip as it flew at his horse's shoulder, and it disappeared. The mob surrounded me, but two or three of my own friends stuck by me, and prevented the mob from unhorsing me, which they frequently attempted, crying, 'Get him down.' I moved on at a walk, and nearly at the end of the street I was struck by a stone on the cheek, which stunned me, and cut me severely, but I rode on, and got away. None of the magistrates or constables attempted to assist me."

Of the accuracy of that statement he had not the remotest doubt. Lord J. Scott was not permitted to make it on oath, but upon the honour of that Gentleman, he (Sir J. Graham) asserted that it was entirely and strictly true. So much for the conduct of the people of Hawick at the elections of 1837, 1835, and 1832. Now arose the most serious question of all—can this state of things be allowed by the Legislature to continue? Ought it to be allowed to continue? Was it safe, was it decent, to sanction its continuance? He had already stated, that he did not impugn the decision of the committee, but he felt that he should not be discharging his duty if he did not point out to the House how seriously that decision had added to the evil. It was the decision of a committee, be it recollected, over which the Lord-Advocate of Scotland had presided, and which had come to something in the nature of a special report. The committee did not deny the allegation, that riots had taken place;

but let the House now hear what was the judgment of that committee, the Lord-Advocate being a party to that decision. They stated, that the riots were not of such a nature or of so long a duration as to prevent votes from being (being what did they suppose?) from being taken in the matter of such election. So that if a voter was once allowed to give his vote, no matter what might be the treatment he afterwards experienced, the decision of the committee, if good for anything in law or in fact, amounted to this, that such treatment, however unjust, injurious, or objectionable in itself, did not vitiate the return. Such was the opinion of the Lord-Advocate of Scotland. Was the conduct which he had shown to have taken place at three consecutive elections for Roxburghshire, such as should have remained unpunished? Four or five persons were certainly brought to trial before the Court of Justiciary; but as far as relates to the elective franchise, the only trial which had taken place was a committee of that House over which the Lord-Advocate presided, and which had come to the decision that, although there might have been rioting, yet that if votes could be taken, there was nothing illegal, nothing to vitiate the return, in any misconduct that might subsequently take place. This, he said, was a premium upon such conduct. It was nothing more nor less than a receipt for carrying elections through the medium of popular riots, which would spread like lightning throughout the realm. He, therefore, called upon the House of Commons to arrest the progress of such an evil, by supporting the motion he was about to make. He proposed no violent remedy; all he asked was, that that House would mark their disapprobation of the continuous misconduct on the part of the people of Hawick by disqualifying that town from being henceforth one of the polling-places. The learned Lord by a cheer had led him to think, that some reliance might be placed upon the fact of certain trials having taken place before the Court of Justiciary in Scotland. In the first place, he believed, that only five individuals had been punished; and, secondly, that the decision of the committee was subsequent to these trials. But more than that, since the learned Lord had referred to these trials, he would gladly avail himself of the opportunity of reading the judgment of the learned judges who presided on the occasion. He began by stating, that living in the neighbourhood of Roxburghshire, he could declare, that the state of society in that county had been seriously and dangerously disturbed by these events. He now told them distinctly, that unless they promptly applied a remedy to such evils, they would roll back the tide of civilization half a century, and revive the old state of border feuds and warfare. If outrages such as these were to pass unpunished by the Legislature, the pastoral electors of Liddesdale would in future either remain at home, and be thus practically disfranchised, or they would repair to the polling-place with arms in their hands, and revenge with blood, the insults offered to them. They might say, that that was the language of a civilian; but was it his language? Was it the language of a partizan, or of a person speaking under excitement? Let the House listen to the language of the judges of the courts of Scotland, and then answer the question. He was quite certain, that in those courts no party feeling existed, and he was about to read the judgment of one who had been the warm partisan of the noble Lord opposite and himself when in office. He alluded to Lord Cockburn, who was of opinion, that conduct of this description would inevitably lead to bloodshed. He would first read the opinion of Lord Mackenzie, who said—

"But what, in my opinion, is much the worse feature in the whole of this case is, that their clothes were torn off from them, and they were exposed in that degrading condition of nudity in the public streets of the town. I must say, that what has been stated and proved against these prisoners I have heard with deep regret. I should have thought there was not a town in Scotland or civilized Europe where it was possible to have persuaded a numerous assemblage of the people, no, not the least respectable among them, to have acted in this way; laying hold on decent people, stripping them naked, and driving them along the streets of their native town, and immersing them in a river. Acts of such cruelty, of such revolting indecency, I should have thought impossible to be caused by any excitement, that could be applied to Scotchmen. I am sorry to say the proof to the contrary, is now too clear, and I am afraid, that when we speak again of the high character of our population, foreigners will be apt to point to this case, as justly calculated to moderate our national vanity. I do consider this matter in a very serious light indeed, and every man must consider it in the same way who puts to himself the question, what he would feel, or what his friends would feel, if treated in a similar manner. What would have been the ordinary feelings—I do not say of gentlemen, but of respectable men—at the idea of being stripped naked, driven in this condition through the streets of their native town, and treated as these seven individuals were? Many men would consider such treatment as worse than death: and there is no man, who is not degraded below the level of humanity—certainly below that of civilized humanity—who would not feel it as a most wretched calamity. And yet it is true, that this mob, in execution of the purpose of interfering with the freedom of election, inflicted those great evils upon a variety of individuals; with more or less violence they so treated seven different persons."

This was the opinion of Lord Mackenzie. What said Lord Cockburn who was Solicitor General for Scotland under Lord Grey's administration when the Reform Bill was passed?

"The chief aggravation of this case in my eyes, in place of being a palliation of it, its chief atrocity in my eyes, arises from the circumstance of its being committed in the midst of an election—committed not merely in the midst of an election, but for election purposes—for the purpose of obstructing the freedom of election. I do not know if there are many people who have a stronger sympathy than I have with the formation and expression of popular political opinion, and I don't know, that there are many who are disposed to look even on the excesses that attend political excitement with a greater degree of indulgence and tolerance. All vociferation which we heard something of—all exulting show by banners, convocations, or otherwise — all expression by each party of its own sentiments—all exultations, and all verbal defiance and ridicule of the enemy—all these are the natural adherents and are parts of the usage of elections. But it is just because I am a friend to popular election and grateful for the possession of the existing law, that I must, independently of the place where I sit, be a determined enemy to all election violence. I know not what that freedom of election is which consists in this; but when I give my honest vote according to my own opinion, I may be turned out on the streets of my native city in the degrading plight alluded to—a situation so degrading, that there are thousands of men, perhaps a majority of mankind, who would take the lives of their assailants, and willingly lose their own rather than submit to. That freedom of election is not the freedom of election that is meant by the law and constitution of our country. We are told, that such scenes were not uncommon in popular England. I don't admit that to be the fact. But it will be recollected, that the scenes that did disgrace the popular elections of England were so extraordinary, and lasted such a time, that even independently of the recent change of the law it amounted almost to an absolute certainty, that some minor changes would have been introduced to shorten the period of elections in that country and multiply the places where votes were given, in order to put an end to them."

And then Lord Cockburn went on to point out almost the identical remedy to which he now called upon the House to assent—namely, multiplying the places of polling, which was considered at the time of the Reform Bill the best remedy, that could be applied to such a state of things. He would not, by any observations of his own, impair the force of the expressions which he had just read from the highest and most learned judicial authorities of the courts of Scotland; and having already detained the House, and trespassed, he feared too long, on their attention, by reading so much evidence—but he thought this a question in which a statement of facts was better than declamation, and he had studiously endeavoured to avoid saying anything which could be personally offensive to any one, while, on the other hand, his sense of duty compelled him to keep back none of the prominent facts of the case—he now begged to move for leave to bring in a bill, "to disqualify Hawick from being a polling-place for the county of Roxburgh, and to enable the sheriff of that county to appoint other polling places in lieu thereof."

Mr. *Elliot* said, that not being in the habit of addressing the House, he laboured under very great disadvantages, and he hoped therefore, he should not be considered unreasonable if he claimed a little more indulgence from the House than was given to Gentlemen more accustomed to speaking more especially as he felt called upon, under the peculiar circumstances of the case, and his connection with it, to address the House at some length. In the observations he had to offer he should pursue an opposite course from that taken by the right hon. Gentleman. The right hon. Baronet had taken a retrograde movement from the election of 1837 to that of 1832. He would commence his remarks with a reference to that of 1832, and conclude with that of 1837. It had been stated that the election of 1832 was disgraced by the most outrageous rioting. Now, he was not aware that anything which could be described as rioting took place on that occasion. Undoubtedly it was true, that an assault had then been committed on Lord John Scott, as stated; it was true that stones were thrown at the noble Lord and his servant, but neither stones nor mud were thrown at them until provocation was given by the noble Lord's servant, who thought proper to strike the people with his stick, as he was leaving the inn-yard with his master. He begged it to be understood, and he hoped the House would grant him its indulgence, that when he spoke as to these facts he only spoke upon information which he had received, and not from his own knowledge. At the time of the election in question he himself was in Bengal; but since that period he had been much on the spot, and the information which he had carefully collected upon the whole subject was from the most trustworthy quarters. In the year 1832, as he had observed, there were no riots which could be so called; at that election the charge of preserving the peace of the town was vested exclusively in the bailies, and no riot of any consequence took place. In 1835 the sheriff of the county refused to make over to the bailies of the town the charge of the peace. They represented that he had better do so; that the charge had been successfully fulfilled by them before, and that they could not well share the charge with him; the fact being, that the police officers for the rest of the county were violent partisans of the other opposite party, and the bailies of the town deeming that their authority over their townsmen would enable them to keep the peace better than if the charge was given over to the sheriff and justices of the county, the bailies said, "We are afraid that if you take charge of the town there will be disturbances." What was the sheriff's reply? "If there are any disturbances I will bring in the military." It was to be observed that this threat of bringing in the military had been held over the town ever since the election of 1832. In this election of 1835 some disturbances did certainly take place; the windows of some of the Tory party's houses were broken, and he was sorry to add, that some of the Tory party themselves were maltreated, and such conduct was as strongly reprobated by himself as it could be by any Gentleman in or out of the House. There was not, however, very much harm done. One man was imprisoned for thirty days; but it was for an assault, and not on a charge of rioting. In the middle of the day the sheriff, who had taken upon himself the charge of the peace, finding this misconduct going on, presented himself at the window of the Tory committee-room, rather an unfortunate post for the sheriff to select; but it might be added, that he had throughout associated with the Tory Committee in this House. The sheriff presented himself at the window of the Tory committee-room and read the Riot Act — a most extraordinary proceeding, seeing that the town was at that time entirely free from anything which could be described as rioting. It was true that the snow lying on the ground at the time, some boys in the street, and very likely some of the men too, took it into their heads to make a cockshy of the sheriff, but this could hardly be talked of as a riot. The election went on, and Lord J. Scott was returned, and in the evening, though the town was perfectly quiet, and the streets almost empty, the military were sent for, to escort, as it was stated, the Conservative voters out of the town. By the address and presence of mind, however, of the chief magistrate of the town (Mr. Walter Wilson), any ill consequences likely to arise from this step were averted, and the military met with the most friendly reception on the part of the townsmen. He now came to the last election. It had been stated, that without occasion an application was made by ninety-five electors for the military to be present; in itself the most likely step to lead to disturbances. The military were ordered to Boswell's-green, twenty miles from Hawick; and the particular stipulation on which the bailies of the town took charge of the peace was, that no person should move these troop's from Boswell's-green unless by their desire—that the military should be at their sole disposal during the election. It had been said, that a plot was being laid for killing Mr. Donald Horne when he arrived in the town. It was not very likely that such a plot could be laid, and no precautions taken by the other Conservative voters for his protection. True, indeed, that another person, Mr. Bennet, was ill-used, apparently under the supposition that it was Mr. Horne, but Mr. Horne himself and a number of his friends had a great jollification the night before the election at the Tower-inn, Mr. Horne ingeniously getting a free passage to the inn by crying out "A great victory at Edinburgh — Gisbon Craig for ever." No Gentleman on the other side of the House had a greater respect for freedom of election than he had, or would do more to enforce it; he had given proof of this already this session, by supporting the measure which he disapproved of in other respects, because he thought it the only means by which he could protect the elector. Then came the question, what was the cause of all this. He did not defend the proceedings which had taken place: he greatly blamed them but what was the cause of them? What they had to provide was, a remedy against the causes which led to these proceedings, and these causes were the coercion and intimidation which had been followed up by the opposite side. The irritation to which this system of coercion and intimidation would give rise, if it were not put an end to, would everywhere give rise to retaliations from the oppressed party. He would give the House an instance of this oppression which had occurred in the present case. His informant, a person of great credit, had given him his name, but he would not subject him to after-visitations, by stating the name of that informant. The person to whom the information referred was an old man of seventy-eight, who had cultivated the same plot of ground for thirteen consecutive years, and had invested considerable capital in its improvement. He was canvassed for the Tory candidate, but he refused his vote, stating that he had always voted for the Liberals, and should continue to do so. Upon receiving this answer, he was instantly served with a notice to quit; and this notice to quit was held over his head until the election came on. When the election did come on, it was told to the man, that even if he did not vote, he might keep his land; and to this the reply was given by him, that "he would vote according to the dictates of his conscience." The man did vote, and as a reward for his incorruptible integrity, he was immediately turned out of his land. He assured the House that he was not telling the story of one man, but of fifty men. He asked any gentleman who heard him, if any population like that which was collected in a manufacturing town, and where people saw a fellow-townsman treated in the manner he had described, if such treatment was not likely to excite them? He did not, he could not, believe, that the Duke of Buccleuch could sanction such conduct in his agents; he would not believe, that such conduct was sanctioned by that noble Duke, or that he could be cognizant of it. But then it was not to be supposed, that when the people saw the agents and satellites of a great man act in that manner, that they would be perfectly quiet. He said, that they ought to be quiet; but then it was more than human nature could bear, to hope that they would be likely to be quiet. Now, with regard to the constables, it had been said, that the constables had not done their duty. Now, he must shew how the constables were appointed. It had been said, that the magistrates were partisans, and the constables must be partisans. It had been even sworn, that the magistrates had worn his colours. Now, he must declare upon his honour, that the magistrates never had worn his colours. It had been a great disappointment to the magistrates, that they had been prevented from swearing, that they had never worn his colours. Gentlemen, he was aware, had sworn that the magistrates had worn his colours, he was perfectly aware of that; but then these gentlemen were mistaken. The magistrates never had worn his colours, and they had even prohibited the constables from wearing colours, under the penalty of forfeiting all claim to remuneration for their services. It had been said, that the constables were partisans, and yet the fact was, that of the 150 constables chosen from the town, they were divided, as fairly as possible, between the two parties. From what the right hon. Gentleman had said then, and from what had been said elsewhere, it would be affectation in him to suppose that an attempt had not been made to connect the election riots with the members of his family. His hon. opponent, Mr. Francis Scott, had, indeed, roundly and plainly accused them of this, because his hon. opponent, he was sure, sincerely believed what he had said. That gentleman had roundly accused Lord Minto, his brother, of aiding, abetting, and assisting in all these riots. The hon. Member for Selkirk, who was in his place, and would probably like to answer a part of his speech, had made a statement which was equally unfounded. He did not attribute to that hon. Member the utterance of a wilful mis-statement; but he did say, that both he and his hon. opponent had said that, which was utterly untrue from beginning to end. The hon. Member for Selkirk had said—

> "My hon. Friend had not only to suffer the disappointment of his hopes on account of the cruelty to which his friends were exposed, but he had this further consideration to increase his regret, that those individuals who had in-

stigated the mob, and afterwards approved of all their proceedings, were persons holding the highest place in the nation, and with whom his family had long been intimate, and whom he had been accustomed to look up to and respect. When we consider these things, we will then be able to conceive the disappointment and anxiety which Mr. Scott must have felt. In alluding to this subject, I do not think I have used too strong language."

Now, what was the ground for any such statement? Admiral Elliot went to introduce him to the town of Hawick, and, after urging the people to give him their support, Admiral Elliot, upon seeing about half a dozen women standing at some distance from the crowd, said, that the women had great influence over the electors there, as well as everywhere else, and he hoped that influence would be given to him (Mr. Elliot), and he appealed to them, both rich and poor, to give their support and influence. This, then, was the speech which was said to be an inducement to the electors of Hawick to commit those excesses of which they had been accused. The hon. member for Selkirk had, however, made a statement, and he now begged that hon. Gentleman to listen to it.

"Who was it, I ask, who first invited the non-electors of Hawick to take their part in these proceedings, and to use force to prevent the just and constitutional privileges of the electors of this county from being exercised? Admiral Elliot! He did, and who were the individuals who, during the whole of those two days, gave their countenance to the mob, and who had considerable influence in checking their proceedings beyond a certain point, and did not use that influence in giving their protection to the electors? Who were the individuals that interfered with the constituted authorities? Who prevented them from taking those measures which it was their duty to take, to preserve the peace of the town, and the electors from ruffian violence [*cries of* "Admiral Elliot and Lord Minto!"]? Who was it that prevented these same authorities from bringing forward that force which was necessary? and who was it that expressed his approbation of the conduct of the mob, and palliated those scenes of outrage which will long remain in the recollection of those who witnessed them [*cries of* "Admiral Elliot!"]

Now, he must say, that unintentionally the hon. Member had made a gross misstatement. In his speech he had said, that Lord Minto had stayed the whole of the day in the town of Hawick. The hon. Member, he was sure, would be greatly surprised to hear, that Lord Minto was never there at all, except for a quarter of an hour before the poll closed. The individuals who interfered most were those who sat in the Tower Inn, and who sent out their orders more like an emperor of China than like common individuals, and it was they who commanded, or attempted to command, the sheriff; and it was from that place the orders were issued? Then the question was asked—"Who was it prevented the constituted authorities from bringing forward the force that was necessary?" To that charge he must say Lord Minto pleaded guilty, and he certainly prevented the military being introduced into the town at a time when it was perfectly quiet. But he must give a few lines from the explanatory letter written by the hon. Member for Selkirk:—

"I cannot pretend to distinguish what share each of the three brothers had in countenancing by their presence the outrages of the Hawick populace, or in directing or advising the constituted authorities. They were all there during the greater part of the time, and I will not deny, that I had the noble Earl in my view, though not principally, when I made the allusion."

The hon. Member must certainly be either surprised to find, that Lord Minto was never in the town upon the first day of the poll but for half an hour, and as for himself he was not there at all. Now, it was not pretended by anybody, that upon the second day of the poll there was any riot at all. Even the sheriff, in his depositions, said, that even on that day there was no riot at all. He acknowledged, that his brother, Admiral Elliott, was in the town; he went to the polling-booth, and told the sheriff he could make use of him in keeping the peace, and if he could be of any assistance in keeping the peace, he trusted, that the sheriff would avail himself of his services. The sheriff did not send for Admiral Elliott; but at twelve o'clock, Lord John Scott, who had arrived, accompanied by another gentleman from Edinburgh, went immediately into the town; the mob closed on them, and they were pushed by force and by the weight of the people; they went to a house on that side of the street. Upon hearing of this, Admiral Elliot addressed the people; he called upon them to open the street for Lord John Scott and his friend. They did open the street, and at the time when the disturbance was at its greatest height both gentlemen walked through that great crowd of the people, and this, too, without the slightest insult being offered to them

What was the reward for all this that had been received by Admiral Elliot? It was said, indeed, that he did not want Lord John Scott to be injured, because it would have brought disrepute upon his party. This was his reward, instead of being thanked for his kind offices, and it was in that manner that these acts had been misinterpreted. No sooner, however, had Lord Minto arrived from London, than a communication was made to him by the bailiff of Hawick, requesting of him, of course as a magistrate, to keep the peace of the town. To that it was replied by Lord Minto, that he should be most happy to give his assistance, but that he was afraid that a person who was a cabinet Minister interfering would be taken hold of, and, therefore, he begged to be excused; but that if anything happened, he should re-consider the subject. Lord Minto, therefore, did not go to Hawick; but in the evening, at a late hour, hearing that irregularities were going on, he did get before the polling place, and then he found, at that time, although assaults had taken place, that the town was perfectly quiet. Throughout the day there never was anything that could be termed a riot. That there had been misconduct and violence he did not deny. [*Laughter!*] Hon. Gentlemen might laugh, but surely there was a distinction between a riot and an assault. Individual assaults had taken place, but there was nothing like a general riot. Here he would beg leave to inform the House of something of which it had not yet heard, namely, the manner in which the proceedings of the first polling-day commenced. At seven o'clock in the morning, a party of farmers coming into the town were partially assaulted by some idle boys at its entrance. Notice of this was sent to the sheriff, and he immediately sent notice of it to the magistrates, telling them, that if it happened twice, as it had happened once, he should immediately send off for the military. No sooner did intelligence of this threat get abroad, than a great excitement commenced in the town; and he appealed to those who knew anything of the feelings of election towns, whether a threat of that nature was not the most likely thing in the world to create the riot which it was uttered to avert. The right hon. Gentleman had spoken of a person named Richard Young, who had been ill used at the polling place. Now, whatever intentions might have influenced some persons in interfering with the freedom of election, the very assault committed upon that person did not arise from any such motive. The case of Richard Young was this—he had belonged to the Radical party, but he had become converted upon receiving some land from the Duke's agent, and with this he had changed his politics. Now, he appealed to the right hon. Gentleman opposite; he did not mean to make any personal remark that could be disagreeable to that right hon. Gentleman; but that right hon. Gentleman had changed his politics. He did not look to the motives for that change; but this he must say, that if they could believe the right hon. Gentleman's own statement, the people of Carlisle seemed to entertain sentiments upon a change of that sort which were something similar to those which influenced the people of Hawick. "I did not suppose, said the right hon. Gentleman, that I should have been hunted almost like a mad dog through the streets of Carlisle, and that my unoffending son would have been knocked down at my feet and almost trampled upon. I regret, for the honour of the county, to be compelled to state, that scenes took place on that occasion which I think disgraceful to the free institutions under which we live." He must say, after that speech, that if Hawick were to be disqualified, it must at least have partners in its misfortunes. This, then, was not intended as an improper interference with the freedom of election, but was intended more for the purpose of the people marking their dislike of such persons in changing their politics, as had occurred with that unhappy man, Richard Young, and who must have known that he was likely to be assaulted by his own friends. And yet the man, knowing this, went out of the polling place by the entrance-door amongst the electors, instead of proceeding by the back way to the Tower Inn, and in doing so he was seized by the people. Patterson, too, was also one of those who had changed their politics. The motive was not to interfere with the freedom of election, but to demonstrate a dislike to persons who had changed their politics. He wished to correct another mistake which had been made by the right hon. Gentleman: it was with respect to the polling place. The sheriff had first proposed that the polling place should be in the Tory Committee! a place where a great number of his voters would not go, and in fact would, rather, proceed to a place—he should not say where. He did not know where the polling place was to be moved from Hawick. In Roxburgh there were four distinct polling places. The sheriff had passed over Melrose, because it was thought to be a favourable position to his party. It was in that way that the sheriff of the county had arranged the polling places, when they were first fixed; and although the gentleman was a relation of his own, and they were very good friends, yet he said, "Good Lord! deliver him from his tender mercies!" He had mentioned that Lord Minto went on the evening of the 3rd of August to Hawick, and when he got to the polling places there was no appearance of disturbance. The sheriff was at that time however writing for the military, and he appealed to the House whether anything could be more injudicious or more imprudent than to bring a handful of soldiers into a town which was in a state of excitement, and when, in fact, there was no occasion for them. Lord Minto had not been long in the town before he received a letter from Lord Lothian, the lieutenant of the county, requesting him to meet him at —— Bridge, where he had arrived with the troops under his command. Shortly afterwards a servant of Lord Lothian arrived in Hawick stating that the information of rioting at Hawick, upon which he had moved the military up and down the county, was incorrect, and that he had therefore ordered them to march home. On Friday morning Lord Minto got a letter from Lord Lothian, requesting him to join him immediately at a village called Denholm. Lord Minto accordingly went over and met him. When this letter was received, another also arrived from the magistrates of Hawick, imploring him for God's sake to come to their assistance, stating that the town was in a state of great excitement, that bloodshed would ensue, and that assistance was absolutely necessary. Lord Minto went to Denholm, and met Lord Lothian at the head of his troop of yeomanry, attended by some gentlemen of the county. Lord Minto begged Lord Lothian not to take the troops into Hawick, saying, that the entrance of thirty mounted troopers into a town in which everything had been done that could be done to excite them to violent measures, would be attended with the utmost danger. He urged Lord Lothian not to go with his troops, and said, "Go with me, ride into the town with me; if any disturbance takes place, let you and I together, or you by yourself, do what we can with the civil power; and if we cannot succeed in repressing it, then will be your time to bring in the military." Now he put it to every Gentleman in that House whether this was not the course dictated by the spirit of the constitution. Would it be right first to bring in the military, and afterwards have recourse to the civil power? Lord Lothian did not take the military into Hawick, but he took them to a place three-miles from the town, where they remained. Now he begged the right hon. Gentleman's attention for a moment to what he was going to say. Lord Minto was guilty of the heinous offence of speaking to the people, telling them not to be riotous, or to make any disturbance and he would do his best to keep the military out. The people cheered his advice, and Lord Minto proceeded to say, I do hope I may depend on you this day, and that not one of you will make the slightest disturbance. The people cheered again, and Lord Minto said, you will give me a token that not one will move from the spot on which you stand, till the voters in the Tower Inn have polled, (this was on the morning of the second day), and I will go and pledge my honour, on the faith of that token, that they may all come in safety, and without the slightest danger to the poll. Now, he wanted to know what was the meaning of trying to connect his family with riots of this sort alleged to have occurred, when it was clear that his brother had done every thing in his power to maintain tranquillity. It was most unwarrantable; it was most ungenerous; it was not only ungenerous, it was—but he would not go on with the sentence. The opposing candidate was his own intimate friend, and the hon. Gentleman opposite knew well, that neither himself, nor any member of his family had ever borne a character which could countenance such a stigma. Though the hon. Gentleman might believe what he stated, and he thought the hon. Gentleman did believe it, for he could not suppose that any Gentleman would stand up and wilfully state what was false, if the hon. Gentleman did believe it, he ought to have been more cautious in examining the statements made to him, and for the future he hoped this would be a lesson to the hon. Gentleman, not to be gulled by a parcel of erroneous information, and to make statements calculated to create an entirely false impression. What was the real motive of all this? From the commencement of the election, till the end, one system was pursued by the opposite party, which was, to make a case to serve their purpose afterwards. He should state, in the first place, that great hopes were held out, as he knew, to his opponent and to a noble person, much interested in the success of the election, that the election would be gained. Only a few days before the election, that noble person was informed that his party would gain by a majority of forty. It was impossible that that could be the case, and, therefore, those persons who held out these hopes, must have known that they were holding out fallacious hopes to that noble person, and it was necessary, therefore, when a disappointment ensued, that there should be some good excuse for the failure—that some plausible cause should be assigned for the loss of the election. What, then, was the course pursued by the opposite party? On the morning of the first day, they began with a protest from ninety-four voters, stating, that they would not go to the poll, unless they had further protection. Well, what came next? Lord John Russell, in his deposition stated, (Report, page 154, question 4,588),—the House would observe it was a most extraordinary statement—that he did all he could to prevent the voters from going to the poll. Seven of the county magistrates sent a declaration to the polling sheriff, stating, that they had resolved, in their character of justices of the peace, not to allow any voter to leave the Tower Inn, and to prevent the electors who were there from exercising their functions. Now, he begged to know, whether it had ever yet been heard of, that seven justices could step forward, and prevent any gentleman who wished to poll from doing so? And yet, while all this was going on, Colonel M'Donald informed them, he was making notes of all the proceedings; no doubt, with some ulterior intention. What, then, was the result of this great attempt to prevent ninety-four persons from going to poll? What was the effect produced? Of those ninety-four persons who protested they could not go to the poll, eighty shortly, or almost immediately afterwards, went to the poll. Notwithstanding the prohibition of his party, at number voted; and the most extraordinary thing was, that only a few retainers of the party did not poll, and the reason they did not do so was, that if they did go to the poll they would be beaten. The right hon. Gentleman had stated, that Lord J. Scott was afraid to go to the poll. Lord J. Scott never said such a thing—he never stated any such thing—he never could have intended to say any such thing. Neither he nor Colonel M'Donald could have been afraid; he relied upon the professional character of the one and the conduct of the other, that they could not have been afraid. These two Gentlemen had walked through the town uninjured, even when the excitement was at its greatest height. He ought to mention, that 100 more constables had been appointed, and that the next morning, when it was said, that persons were afraid to go to the poll, he supposed that more than 300 constables had stood to guard a space of six yards. These 300 constables guarded a space of six yards in length. He could assure hon. Gentlemen, that the town was more quiet than that House had been that night. Disorderly as Hawick had been described to be, he could assure them, that in that House, there had occasionally been more disorder than in Hawick on that day. Lord John Scott and Col. M'Donald had not been injured the first day. Was it possible, that they could be afraid to go to the poll the next day? There was Mr. M. M'Cormick; he had come to the poll with his (Mr. Elliot's) colours on his carriage. But, then, that Gentleman was known to be conservative; he polled, voted against him, walked to the Tower inn, baited his horses, and then left the town, and nobody even said a word to him. So might any other gentleman have done the same. In fact every body might have done the same. These gentlemen, however, did not do it; but they came to a resolution, that there was the greatest state of intimidation existing in a town which was perfectly quiet. The right hon. Gentleman did not say, that there was an assault of any kind, nor did he pretend to say so. There was one point more he wished to refer to before he sat down. A letter had been written from Lord Lothian to the sheriff at Hawick. He should say, that applications had been coming out all day long for the military. These applications came from the Tower inn. No military were wanted, unless for the same reason as in 1835, in order that their presence might produce evidence of a riot whether any occurred or not; and what had happened in 1835, happened again in 1837. It was published in all the newspapers, that the troops had been brought in, and that the voters were escorted out by them. Now there was not a word of truth in this. What did Lord Lothian say, in answer to the application of the sheriff? He had not got the letter of the sheriff, but he would read the reply; it was this:—"Sir—As you have not stopped the poll, and as you state that there is no rioting, I do not feel myself justified in marching the troops into Hawick at this moment. As soon, however, as the poll is closed for the day, I shall direct Captain Royds to enter Hawick, upon my receiving from you an application to do so, for the safety of those Gentlemen whose departure cannot be secured by the civil power." Who said that they could not ensure the safety of those voters? Their safety would be insured, but they would not come out. He could congratulate the House, that he was coming to the end of his story. He had not himself arrived at Hawick till the evening, just an hour before the poll closed. That was the first time he appeared in Hawick, although the hon. Member for Selkirkshire (Mr. Pringle) said, that he had been instigating the people at Hawick all day. When he came into Hawick, to the polling place, he found the people sitting exactly as they were sitting in that House. There was a space in the centre, and the people were ranged around it. He naturally went into the polling booth, and after a few general observations, he asked what was the meaning of the voters being in the House? The sheriff said, that he did not know, but that they would not come to the poll. Immediately before this, Admiral Elliot had gone to the sheriff, and being determined, that the other party should not get to windward of them, he declared, that he would smoke them out. Admiral Elliot went to the sheriff and said, "On the part of my brother, I promise to consent to your going with the poll-books to the Tower Inn, and taking the poll of the rest of the Gentlemen there." If the hon. Gentleman opposite did not believe this statement he would refer them to the evidence. What did the sheriff say? He said, that there was no occasion for his going there, as there was no reason why the voters should not come to him. He (Mr. Elliot) came up at this time and said he would go and speak to the people, and accordingly he got up on the hustings and made one of those eloquent speeches for which he was so famous. When he had concluded, he must say, that he was guilty of the same abomination as his brother—he caused a show of hands to be taken to make the people promise that they would remain stock-still where they were till every man of the opposite party had polled. When this was done he went over to the Tower inn, and there met Mr. Horne, and said to him, "Mr. Horne, whatever reason you may have for staying here, I will on my honour guarantee, that every man shall go and poll without the slightest difficulty if you will only let me go into the room and tell them so." Mr. Horne said, "No, sir; you are too late—the doors are shut." He (Mr. Elliot) went back to the polling-booth and waited there till the poll was closed. He said two or three times to the polling-sheriff, "Will you have the kindness to look and see if there is any difficulty in coming to the poll?" The sheriff said repeatedly, that they could come out if they chose. Under the peculiar circumstances of the case he asked the sheriff to give a certificate, that there was no obstruction put in the way of the poll. The sheriff hesitated. He (Mr. Elliot) then said, "I do not wish to take you by surprise. If you think there is such an obstruction as to prevent them coming to the poll, my opponent Mr. Scott, is entitled to a certificate; if therefore, you think the voters are obstructed, give a certificate to Mr. Scott to that effect." The sheriff said he did not think there was anything to prevent them. He (Mr. Elliot) then said, that he claimed a certificate as an act of justice to himself. The sheriff thereupon wrote a certificate in these words:—"I hereby certify, that no obstruction has been offered to any person coming to poll this day." He Mr. (Elliot) said, that would not do—that he was sure the sheriff intended well—that he was perfectly honest in his intentions, and he called upon him to give a certificate stating, that the voters might come if they chose. The sheriff then altered the words of the certificate, and stated that there was no obstruction in the way of those who chose to come to poll. He was sorry that he had not got the certificate. What did the sheriff say in his evidence? He stated in his evidence that he was asked what was the meaning of the electors not coming forward, as there was no obstruction; and he thought he said that he was entitled to a certificate, stating, that in his (the sheriff's) opinion, nothing occurred to prevent them; and he thought he said that he could not give such an opinion—that his opinion clearly was, that rioting had taken place, and that the voters were under such a reasonable dread of bodily harm as prevented them coming forward. This was what the sheriff stated now, but he declared that it was not what he then said. The sheriff stated, that he had a bad memory, and that he was not himself certain of what had passed. He stated before the Committee that he was not certain of what had passed. Now, he recollected perfectly what had passed. He was certain that there had not been any open rioting or violence, and he proposed that the sheriff should sign a certificate to the effect that no obstruction had been offered to those who chose to come. The certificate was dictated by himself, and he had no doubt that the honest intention of the sheriff was, to state, that there had been no obstruction to prevent the voters coming to the poll that day if they chose to come. He would refer to one other passage. The sheriff, being asked what he meant by giving a certificate that no obstruction had been placed in the way of the voters, stated before the Committee that his feeling was, that there was no riot or open violence, but that they, the people in the Tower Inn, were under a moral obstruction from what had taken place yesterday. These electors, then, were acting under a moral obstruction from yesterday. But if this moral obstruction was so great as to prevent the voters from coming out, why did not the sheriff go and take the poll at the inn? This was one point to which he wished to call the attention of the House. It was stated, that the election riots were so tremendously violent that the election was interfered with, and the voters could not get to the poll. Now, it appeared from the evidence, that the polling was nearly equal on both sides all day; and if that were the case, he could not understand upon what grounds proceedings could be taken against the town of Hawick for interfering with the election. As he said before, the polling for the whole day was very nearly equal. In one place, when he (Mr. Elliot) was 147, his opponent, Mr. Scott, was 105; when he was, in another place, 50, Mr. Scott was 53; when he was 179, Mr. Scott was 100; and when he was 141, Mr. Scott was 116. Could any polling be much more even than this? He appealed to the House whether any election could be much more equal. There were 579 voters, of whom 521 polled; 300 for himself, and 221 for Mr. Scott. It was said, that the people were intimidated and staid away. Now, if this were the case, there would be a good many absentees in this district. There were two other polling districts, Jedburgh and Kelso, and in neither of these was it pretended that there was a particle of riot. And what occurred in these places? Why, there was precisely the same proportion of absentees in these two districts; and as he had a right to say that these twenty-one voters in the Tower Inn might have polled on any part of the second day, if these voters had polled, a great deal larger a proportion of voters would have polled in this district than in any other in the county. How then, he would ask, could the voters have been intimidated and kept away. He had forty-four majority, and he had not polled out. Every one conversant with the management of an election knew that it was usual to keep a corps of reserve, whom the party did not wish to bring forward, unless it was absolutely necessary. He had a few of these still remaining. Mr. Scott, therefore, must have polled upwards of fifty votes more before he would have overtaken him, and there were hardly any absentees left on his side. He really must say, that a more palpably absurd story was never invented in the face of Europe. He would not trouble the House much longer. He was exceedingly grateful for the attention they had given him. There were one or two things, however, which the right hon. Baronet referred to which required some notice from him before he sat down. He wished to state a few facts as to the way in which this petition had been got up. The right hon. Baronet had stated there were 629 names to the petition which he had presented. Out of these 629 names 184 belonged to the district of Hawick, and this district was to be disqualified on account of a petition signed by only 184 persons. It was to be disqualified as a polling place. Out of these 629, as he had stated, only 184 belonged to Hawick. There were in that district 591 who had not signed the petition. This showed what was the true feeling of the district. What did the people of the other districts know of the polling, or the riots, or the obstructions at Hawick, except what they heard from third parties. It was evident from the beginning that they were trying to make out a case. The particulars were drawn up and prepared according to the form at the former election; they were prepared before the time of using them, thus clearly showing what the intention was. What could these petitioners know of the matter, except what they heard from the agents of the opposite party? One of these petitioners, a voter, had called upon him in London, and recollecting that his name was attached to the petition, he said to him, "Drummond, why did you sign the petition; you are not connected with Hawick?" He (Mr. Elliot) took down the reply at the dictation of Drummond, and it was as follows: "The only petition I have signed is one which was brought to me by Mr. Francis Scott about a month ago, as nearly as I can remember, and which he told me was to pray for a polling place at Melrose. He said nothing about Hawick, and I did not see what was written; but knowing that it would be convenient to have Melrose as a polling place, I signed my name." The man's signature was to this statement; he had no doubt, that his hon. opponent had never intended to cheat this man out of his signature, but he ought to have taken care to explain what the contents of the petition were before he asked persons for their signatures. If this was the way in which the 629 signatures had been obtained, the petition was not worth much. What were the crimes of Hawick, for which this severe retribution was to be inflicted? Her crimes were not that somebody had had his coat-tail torn there, or had been thrown into the river—which, by the by, he might say, was a small stream, deposed to as being "three, or perhaps four," feet deep, though one of the judges, in charging the jury, had made a most extraordinary mistake in stating the depth of the river to be six feet deep, and though the right hon. Baronet had also made a mistake about it, for no one was thrown into the river — no, not even Richard Young. As to the depth of the river at the late election, he believed the fact was, that there were two feet of water in it. A question had been put to a witness before the committee, as to what was the depth of the river. "About," said the Scotchman, "about sax or twal inches." With respect to what had been urged on the head of wounds inflicted with unlawful weapons, he must confess that wounds had been so inflicted, for one man in the crowd had been wounded in the but end with that unlawful weapon — a pin. But then, was it not too bad to hear so much about the torrent into which men were thrown to sink or to swim, that torrent being full six inches deep? However, as he had said, none of these things constituted the real crimes of Hawick; they were these, that the place was full of intelligence, of enterprise, and above all, of political integrity. These were the crimes which it was sought to punish by this Bill, for the measure was not intended for the benefit of the voter, or for the benefit of anybody. It was an *ex post facto* law to punish the people of Hawick, because they had dared to resist the mandates of the satellites of the great Buccleuch. Every sort of coercion, every sort of interruption, every sort of corruption, had been attempted, but the political principle of Hawick, whatever faults its people might have, were thoroughly staunch; and now, when all other means had failed, down came the right hon. Baronet to ask the House of Commons to make itself the deputy to the factor of the Duke of Buccleuch. This was the object of the present motion. It was a party motion. It had no other motive but party, and, having this motive, he would give it his most determined opposition.

Mr. *Pringle* addressed the House at considerable length, but the hon. Member, we regret to say, was inaudible.

Mr. *Horsman*, amidst loud cries of "divide, divide!" which interrupted him for some moments, said, that the question was a new one, and he, therefore, hoped, although the hon. Gentlemen opposite had come down pre-determined to vote for the motion of the right hon. Baronet, that they would allow it to be fully and fairly discussed. [*"Question!" and "Divide!"*] He was unwilling to trespass upon their attention, and nothing but a sense of duty could induce him to press his sentiments upon the House. This was not only a new, but an important and a constitutional question, and if they adopted the proposition of the right hon. Baronet, he could not help thinking, that they would be establishing a dangerous precedent. At all events, they ought not to go to a division without hearing the opinions of those parties who were informed on the subject. Not only was the question a new one, but the proposition of the right hon. Baronet was one that was never heard of before. [*"Divide, divide!"*] The object the right hon. Baronet had in view was to have the polling-place removed from Hawick, and simply because riots had ensued in consequence of the introduction of the military, not only when there was no occasion for their presence, but, in fact, before any disturbance began. He feared, that, if the precedent were once established, they would soon have all other elections placed under military control, and this, he should be able to show, would be an unconstitutional proceeding. On what was the motion founded? Why, on the evidence taken before the Roxburgh Election Committee: but it should not be forgotten, that the whole of that evidence proceeded from partisans, whose statements, therefore, were characterised by exaggeration. The right hon. Gentleman had not dealt fairly with the evidence, and had used it only so far as it would serve the purpose which he had in view. He had made it appear, from the manner in which he described the evidence of Mr. Patterson, that he was a much injured person. [Sir *James Graham* had stated nothing, but merely read the evidence from the report.] He knew the right hon. Baronet did so; but that was what he complained of; the very fact of his quoting from the book, showed that the right hon. Baronet had read the whole evidence, and yet he quoted only a part of it. This person, on his cross-examination, gave the following evidence:—

"You have said before, that you think it certainly must have been meant as a joke; have you not said, that you thought it was meant as a joke, the administering the oath to you?—Yes; I thought that."

So that this very person thought the thing a joke. On the trial at Edinburgh, on his cross-examination, this person said, "I did not think that more was meant than a joke. I thought that it was all a joke." Then, the right hon. Baronet had told them of the water scene, and he had picked out a part of the evidence of Mr. Scott, and omitted the other. And what did this witness say, who might be supposed to be under the influence of terror, and likely to overstate the circumstances?

"They forced you down in Mill-wynde?—Yes.

"When you got there, did anybody do anything to you?—Yes; there was a precipice between four and five feet high, sloping down to the river, and the multitude pushed me down there; there was a little water at the foot of the place; the river swells sometimes, but there was a little at that time; I received a blow on the back of my head.

"Was the water shallow enough to enable you to wade to the sand bed?—Yes.

"How deep was the water there?—I do not know; it might be six, or eight, or ten, or twelve inches deep.

"What was the breadth of the water."

Why, in his examination on the trial, where he seemed to try to exaggerate, stating that the river was high, he says that the rivulet was about a yard broad and a foot and a-half deep. Then the right hon. Baronet had told them of voters deterred from going to the poll, and quoted the evidence of Mr. Rutherford Shiel; and he had read a part, and a part only—he had read that part which was in his own favour, and kept back that which made against him. Mr. Rutherford Shiel was on his way to the poll. After the passage which the right hon. Gentleman had quoted, came this:—

"Did you make any other attempts to go to the poll?—None.

"Were any of the mob standing outside widow Wilson's?—Some were standing there after I went into the house; again I found them both passing and re-passing.

"Whilst you were there, did you see any electors attacked—any of Mr. Scott's voters?—None.

"Did you see any constables in the town?—I saw constables going in.

"Many of them?—When I went in I saw constables.

"Did you apply to any of them to protect you?—No.

"Did you apply to the bailie to protect you?—No.

"Or apply to any one for protection?—None at all.

"And you went home?—Yes.'

The evidence of Mr. Scott went to show that, so little did he consider himself in danger, that he did not apply to the constables for protection, and the only molestation he received was, that some one cried out "A Tory," as he went along. Amongst the other statements of the right hon. Baronet was a charge of robbery against some of the crowd. It was said, that Mr. Berwick was robbed of his pocket-book, containing 12*l.*, but it turned out that the pocket-book was returned by a boy, who found it in the streets. [Sir *James Graham* had read that in his extracts from the evidence.] It was true the right hon. Baronet had said that the pocket-book had been returned, but the right hon. Baronet had not stated the whole case. This return of the pocket-book showed, that the mob in the streets of Hawick, and those who led them, were more scrupulous of what they were suffered to do than they got credit for. He did not mean to defend any violence, by whomsoever committed, but he envied not the feelings of those who brought a charge of robbery against the people at Hawick, on such grounds as the hon. Baronet had stated. The right hon. Baronet had referred to the evidence of Mr. R. K. Elliot, a decided partisan, to show that the magistrates had failed in their duty; but to what did that evidence amount? It was, that Bailie Goodfellow was within the railing, and, by his gesticulations, he seemed as if he wished to pacify the mob, but he (Mr. Elliot) did not hear anything that was said by the bailie. Stress had been laid upon the number of windows broken; but he (Mr. Horsman) contended, that no greater acts of violence had been committed than those which were inseparable from all popular elections. No such outrages had taken place as the right hon. Baronet had described, but only some of those slight acts of violence which were almost inseparable from elections, and even those had been provoked by the introduction of the military. He would refer to cases to show how strongly the practice of introducing the military at elections had been condemned by the House, and by individual Members. The first case to which he would refer in order to show how decidedly the House had set their faces against the introduction of military at elections, even while a riot was taking place, was in the case of the election of Sir P. Musgrave for Carlisle in 1827. A desperate riot had occurred on that occasion; and the military were called in. The subject was brought under the consideration of the House by the right hon. Baronet, the present Member for Pembroke, in the shape of a petition from certain inhabitants of Carlisle, complaining of the unconstitutional introduction of a military force at the last election for that city. The right hon. Baronet observed, that he would admit that the ordinary squabbles which took place at elections were beneath the notice of that House; but when the right of election was interfered with, and the free exercise of the elective franchise prevented by the interference of a military force, he thought he should not perform his duty if he allowed any personal feelings to prevent his bringing it before the House. The right hon. Baronet then went on to show that the use of military force was unnecessary, and that the civil force would have been fully sufficient to quiet the disturbance. On the same occasion Mr. Secretary Peel "deprecated, in the strongest terms, any unnecessary calling in of the military to assist the civil power." He proceeded to say, "The people of Carlisle had hitherto relied on the presence of the military in the case of any disturbance; but he must now tell them that, that reliance must be at an end, for he would not lend his assistance to calling in the military on every trifling breach of the public tranquillity." The right hon. Secretary then entered into a description of the riot which had taken place on that occasion at Carlisle; by which it evidently appeared that it was of a far more serious character than that which had occurred at Hawick. He would now refer to the case of another riot in Carlisle, in 1821, when many men had been knocked down and some had their legs broken. In the debate on that occasion the right hon. Member for Montgomeryshire observed, that "to call in the military during an election was an infringement of the rights of the people as respected the election of their representatives, which nothing but the clearest necessity could justify." When the inquiry into the subject by the Committee of Privileges was finished their report contained the following passage:—"That it does not appear to this Committee that there was any riot or tumult of that dangerous and uncontrollable magnitude which alone can excuse the introduction of an armed force during the period of an election, without a previous resort to the utmost exertion of the civil power." In the speech which followed the presentation of that report, the right hon. Member for Montgomeryshire said, "it was impossible not to disapprove of the introduction of the military; but it was proved that at the particular time when that took place, the civil power was placed upon a very inadequate footing." In the case of Hawick, however, the military were not introduced merely at a particular time. They were introduced before the election and during the election. The hon. Member for some time persevered in an unsuccessful attempt to obtain a hearing; at length, finding all his efforts unavailing, he moved the adjournment of the debate.

Sir *James Graham* expressed his hope that the hon. Gentleman would not persevere in his motion for adjourning the debate. He trusted that the hon. Gentleman would finish the observations which he wished to make, and that the House would listen to him. ["*Divide, adjourn, go on.*"]

Lord *John Russell* said, that probably his hon. Friend, the Member for Cockermouth, had nearly completed all he had to say, but his learned Friend, the Lord Advocate, had been so grossly attacked, that it was due to his own character to answer the charges which had been brought against him, and the hour was too late for that purpose. He (Lord John Russell) therefore supported the motion for adjourning the debate.

Debate adjourned.

HOUSE OF LORDS,

Friday, May 25, 1838.

Minutes.] Bill. Read a first time:—Custody of Infants.

Petitions presented. By the Earl of Radnor, from the Mayor and Corporation of Ludlow, for a reduction of Postage.—By the Archbishop of Canterbury, from the Clergy of the Arch-diocese of Armagh, by the Marquess of Downshire, from various places, by the Bishop of London, from the Clergy of the Diocese of Clogher, by the Earl of Roden, from several parishes in the county of Armagh, and by the Bishop of Exeter, several, from various places, against the system of National Education (Ireland).—By Lord Lyndhurst, from Paisley, in favour of the Sheriffs' Court (Scotland) Bill.—By Lord Lyndhurst, from a place in Carmarthenshire, by the Marquess of Downshire, from the parish of Sevenoaks, in the county of Down, by the Duke of Sutherland, from Leck, by the Earl of Roseberry, from Banbury and Swansea, and by the Earl of Ripon, from several places, for the Immediate Abolition of Negro Slavery.

Education (Ireland).] The Bishop of *Exeter* said, might he now venture to address their Lordships on the subject of which he had given notice? It would be his most eager desire to spare their Lordships' time, by abstaining from all observations not absolutely called for by the facts of the case which he had to present to the House. He should carefully abstain from observing upon the importance of the question, though he considered it of great importance, not only as concerned England and Ireland, for a similar system had been attempted to be introduced in England and even in our colonies. He waived all remarks upon that topic. However, he must be permitted to observe, that the circumstances which rendered it necessary for him then to bring the subject under the consideration of the House were of a peculiar kind. It would be in the recollection of their Lordships, that about two years ago he had moved for a committee to inquire into the facts connected with the working of the national system of education in Ireland; but he had not been fortunate enough to induce the House to entertain that motion. The speech, however, which he had delivered upon that occasion had not been without effect, for her Majesty's Government desired the Commissioners of Education to make a formal answer to the facts contained in that speech. Their third report was the one which embodied those answers, and as it contained matters affecting deeply his character and credit, he had felt it necessary to give notice of a motion for a committee of inquiry. It had certainly been his intention to have brought forward that motion, but it happened, that her Majesty's Government thought differently that year from the year before, and upon their motion a committee was appointed. That course was to him highly gratifying, because, although he lost the opportunity of proposing some noble Lords as members of that committee, whose assistance he should have desired to obtain, and whom he should have solicited to attend, yet he had been more than compensated by the presence of an individual connected with the matter of investigation—he meant the Archbishop of Dublin. It caused him unfeigned gratification, that the Government had proposed a member of that commission whose conduct was the subject of inquiry. He was not aware, that it was usual, when the conduct of a body of men was called in question, to place them in the position of trying their own case; but he fully admitted, that there was something peculiar in this instance, and he had made no objection at the time. On the contrary, he rejoiced at it then, and he had rejoiced at it throughout the course of investigation. He readily gave the noble Viscount at the head of the Government credit for the motives which induced him to make the proposition. Now, the result of that Committee was the collection of a vast body of evidence. Their Lordships must see, that if he had the inclination, he could not possibly forbear to bring the subject forward; at the same time, he would say, that no merely personal feelings should have induced him to adopt that course. If his own credit and character alone were concerned in the result, he should not venture to ask their Lordships to wade through that vast mass of evidence. For himself, he threw himself entirely on the candour and generosity of their Lordships for construing aright the motives which had led him to pursue this inquiry so eagerly; and he entreated them to confine their attention solely to the facts of the case. In the resolutions which he was about to propose, he should abstain from stating anything relative to the system itself, because the merits and demerits of that system had been often made the subject of discussion in that House, and the opinions of that House had been frequently pronounced upon them. He would also take care to abstain from one topic to which he had intimated he might probably allude when giving notice of his motion—namely, the conduct of the Commissioners themselves in this matter. He had been induced to give up that part of his notice, because he felt, that this question ought to be kept free from being mixed up with anything of a personal nature, and because he felt also, that if there were any fault on the part of the board, it would attach to different individuals in a different degree. In some, it might originate in purposed and wilful partiality—in others, it might be owing to culpable negligence only—whilst in others, to their inability to inquire into these matters from pressing occupations of a different sort. For these reasons he refrained from calling on their Lordships to express any opinion upon the conduct of the Commissioners. He would now beg to read the resolutions which he intended to propose:—

"1st. That it appears that the system of national education in Ireland has failed to attain the objects which are stated in a letter dated October, 1831, written by Mr. Stanley, now Lord Stanley, to the Duke of Leinster, especially as to uniting Roman Catholics and Protestants in the same schools.

"2nd. That the working of the system has tended to the undue encouragement of the Roman Catholic and discouragement of the Protestant religion in Ireland.

"3rd. That the modifications recommended in the fourth report have not been found adequate to prevent or mitigate the evils complained of."

On turning his attention to the first resolution, which stated, that the system had failed to effect the objects stated in Lord Stanley's letter, he begged to remind their Lordships, that one great object which was there mentioned was the union of the Protestant and Roman Catholic children in the same schools; but there were also two other objects, which were either expressly stated or known to be intended by that noble Lord and the Government; and the first of these objects was, that opportunity should be given for separate religious instruction to the Protestants and Roman Catholics; and the second was, that as much religious instruction common to both denominations should be introduced as was possible without exciting jealousy, animosity, and hostile feelings. Now, then, as to the first point, that of uniting the children of different denominations in the schools, he apprehended, that no one could seriously say that system had succeeded in that respect even in the smallest degree. He should be exceedingly obliged to noble Lords if they would favour him with their attention upon this subject. In obedience to a vote of that House, an order had been issued for a return of the numbers of the Protestants and Roman Catholics in the various national schools; but they had received in answer to that order an intimation, that it was impossible for the board to obtain such information—at least, that it was contrary to the principles upon which they proceeded to cause such an investigation to be made. Now, he had acquiesced in that principle, and it was therefore with considerable surprise, that he found that the board were determined to avail themselves of the possibility of obtaining that information; and, although they were not enabled to obtain a strictly official return, they got such a return as they could use for the purposes of argument. Mr. Carlisle had obtained from the inspectors a return of that nature from 816 schools, and the result of the information was, that they contained 15,633 Protestants, and 90,595 Roman Catholics—in the proportion of about one to six. Now, at first that appeared to coincide with a very fair presumption of what the numbers might be; it did not differ materially from the proportion between the Catholics and Protestants throughout the population; but when they came to examine into the matter—when they looked minutely into the details—they found, that all that large number of Protestant children was taken from one province, for it appeared that of the number he had mentioned 14,600 belonged to the province of Ulster, whilst in all the others there were only 1,009. But still further, even in the province of Ulster he felt—every one must feel—that instead of the children of the two denominations being united, they were actually disunited by the operation of this system, for it appeared that of 371 schools in the province of Ulster, there were 71 in which there were no children either of one or the other denomination, whichever it might be. In 121 others there were not more than five children either of one or the other of the two denominations. In the province of Ulster, therefore, where alone there appeared to be any symptoms of the success of the system, it appeared clearly that in 192 out of 371 schools, there was nothing approaching to an union of the two denominations. In all the four provinces in 200 schools out of

814, the proportion of Protestants to Catholics was not one in four, or, in other words, there was about 100 of one denomination to 500 of the other. So complete was the division, that in one town they might frequently find different schools in one of which there were no Protestants, and in the other no Catholics. In Armagh he found that in one school there were 404 Roman Catholics, and only three Protestants, and another school in which there were six Roman Catholics and 186 Protestants. The same effect of this system pervaded even Belfast, where they had heard that the best opinion might be formed of the national schools; for there, although they did not collect two-thirds Protestants to one-third Roman Catholics, still in one of the schools, the Frederick-street Free School, there were 682 Roman Catholics, and only two Protestants, and yet that was the school to which all strangers were referred, as showing what beneficial effects the system produced in uniting the two classes, and giving to each a sound education. The school in Belfast had originally been under the Lancastrian system, and under the control of the Kildare-place Society, but since it had been under the Commissioners of National Education, fewer Catholics had entered than formerly; so, even in that crack school, if he might use the phrase, the system appeared entirely to have failed. An intelligent witness had been before the Committee for the purpose of showing the liberal character of the education, and he had told them that the Bible was read in the school sometimes, and the Scripture extracts constantly. Now what were the facts? As long ago as the year 1835, the present Dr. Croly, the Roman Catholic Archbishop of Armagh, consented to the rules of the Kildare-place Society in all their strictness; he consented to allow the Bible to be read without notes, and the authorised translation to be used not only in the hearing of Roman Catholic children, but in classes; and he consented that Protestant masters might instruct Roman Catholic children in the Bible. Whilst, however, he made those concessions in Belfast, it was a remarkable circumstance that before the Committee of 1835, Dr. Murray, Dr. Kelly, and other Roman Catholic bishops were declaring upon their oaths that any such permission was altogether inconsistent with the doctrines of their Church. What, then, had been the operation of the system? Had it promoted the reading of Scripture extracts, much less the Bible? Even in Belfast, therefore, in which the national system was said to work in the fairest and least objectionable way, it had totally failed to effect the objects for which it had been established. While this was the case in Ulster, it had been marvellously inefficient in the other provinces, not having brought together the children of the two denominations in any tolerable proportion. In Leinster there were 34,900 Roman Catholic children, and 578 Protestant—not one in sixty. In Connaught there were upwards of 14,000 Roman Catholic children, and only 270 Protestants—not one in fifty. In Munster there were 19,000 Roman Catholics, and only 150 Protestants—not one in 126. The failure had, indeed, been so complete, that almost every witness who had been examined before the Committee, when questioned particularly on the subject, had hardly ventured to deny it. One only had been bold enough to make such a denial—a gentleman of high station and considerable attainments—he meant the right hon. A. R. Blake; and that gentleman had said, that, strange as it might seem, he thought that the comparative numbers of children of the different denominations barely afforded any test of the success of the system, or that there were a sufficient number of other schools expressly endowed or otherwise established for their benefit. Thus it was, that on the clergy, even in their distressed state, was thrown the charge of supplying proper and sufficient education—a charge from which they ought to be relieved by the State. He was not surprised at the opinion expressed by Mr. Blake, because, when that Gentleman was a Commissioner, there were no fewer than 19,000 children receiving eleemosynary education from other schools. Even in Cork, in the surplus schools, there were as many scholars, very nearly as many, as in the national schools. He thought that a large portion of those children were Roman Catholics, there could be no doubt, and he rejoiced to think so. He rejoiced to think, that they availed themselves of the advantages of those schools; but it could not any more be doubted that a great number were Protestants, all of whom had a perfect right to the assistance of the Government when it set forth its purpose of giving national education. He would not go into a consideration of all the details of this subject, but he wished only to refer to another circumstance. The Archbishop of Dublin having cited four schools at random, as he said, in three of which he said there were 161 Protestants, and in the fourth, eighty, a gentleman named Robertson had taken the first four schools mentioned in the list, which he concluded to be those alluded to by the Archbishop, because they appeared to produce the exact total result in numbers which had been mentioned by the Archbishop, in whose presence Mr. Robertson stated his conclusion on that point. What, then, was the case? Why, that in three of these schools, instead of 161, there were only thirty-eight Protestants; and as to the fourth, instead of eighty, the school was shut up, because the people felt so indignant at the very idea of such a school bearing the name of a national school, that they petitioned their landlord to allow them to subscribe *30l.* in establishing another school, which would not be under even the nominal authority of the Commissioners, for nominal it only was, in that instance. These facts had been proved by a clergyman of the parish in which the school was situated; for whilst Mr. Robertson was being examined, he had corresponded with the clergyman on the subject. He should think it wasting their Lordships' time if he attempted to press further that point—that in the great particular of the supposed union which would be effected of the Protestant and Catholic children in the same schools, in that which was the great object not only of Lord Stanley, but of all the Commissions and Committees that had ever sat upon education in Ireland, the plan had entirely failed, and that the Protestants and Roman Catholics had been disunited instead of being united. The second object proposed in his letter to the Duke of Leinster was to afford separate religious instruction to the children of the two denominations. In what degree the board schools had succeeded in giving separate religious instruction to Roman Catholic children he was not aware, as there was no evidence to show; but with respect to the Protestant children, he would endeavour to show what had been the result of the system. The very best form in which it could be supposed, that religious instruction could be given was that one adopted at the model school. The clergyman of the parish in which this school was situated, came before their Lordships' Committee, and gave an account of the excellent spirit in which the religious instruction of the Protestants was carried on in that school. One of these gentlemen, Mr. Woodworth stated, that though he and his colleagues were opposed to the system, they cheerfully complied with the suggestion of the Archbishop of Dublin in conveying to the children at this school all the religious instruction they could, and agreed to go and give every assistance in their power. Those clergymen could only give three quarters of an hour or an hour's instruction at a time, and their Lordships would judge of themselves what instruction they would be able to give in that time. Those clergymen said, that the scholars were with difficulty brought to them, that they had no control over them when brought, and that they could not prevail upon them to get anything off by heart. One of them complained to Dr. M'Arthur how inefficient everything which he did was, owing to these obstacles; and Dr. M'Arthur's reply was, that he could not help it, as all he could do was to take care that the children were brought to them. The average of the number of children brought to one of these clergymen was nineteen, and to the other was fifteen. The average of Protestant children brought to them both was nineteen, varying in age from five to fifteen years; and to these children they were to give, in three quarters of an hour, all the religious instruction they were to receive. What it was, he would leave their Lordships to judge. These clergymen being zealous and pious men, did all they could in the time, but they had the mortification of seeing that only one or two children of the whole number which they saw, derived any benefit from their labours. This was not all. Of the masters sent up to the school for training—men who were to be instructed in the religious differences of the two Churches, and to be prepared for all the responsibilities of their arduous offices—not one, for several months, entered the place in which these clergymen were teaching their scholars, or applied to them for the slightest instruction. One of the clergymen, not being informed of the intention to send up these masters to their schools, was one day surprised at finding there some individuals who were strangers to him, and who treated him, not with positive, but negative incivility, and he ordered them in consequence to withdraw. The strangers, who appeared to be masters in training, retired in consequence. The other clergyman never objected to their presence, and, to sum up all, neither of them was ever applied to by these masters in training for the smallest quantity of spiritual instruction. From this statement it was pretty clear, that if to give separate religious instruction were one of the declared objects of this system, and no doubt could exist, that it was one of its declared objects, it had signally and lamentably failed; and their Lordships had now the powerful experience of six years to teach them that there was no hope by sending Protestant children to these schools, of rendering them acquainted with those truths which can alone make men wise unto salvation. There was also a third object in issuing the instructions to the inspectors, it was said, in the instructions to inspectors, that "one of the objects which Government had in view in the establishment of this system was, to introduce as much of religious instruction as could be done without exciting jealousy and contention and hostile feeling"—an excellent object, but how it could be attained consistently with Mr. Blake's statement before the Committee on Education in the House of Commons in 1835, did not exactly appear to ordinary minds; for that Gentleman said in his answer, No. 2,122, &c. "It would be directly contrary to the board's just principle to give any religious instruction." But let that pass. Mr. Carlyle being asked how the board fulfilled that instruction, answered—"By our Scripture extracts, and by our having issued a volume of Sacred poetry." Of the value of "a volume of sacred poetry" for such a purpose it was not necessary to say anything. But as to the volume of Scripture extracts, which had been so much boasted of, it had been stated, that the great and paramount object of the institution was to give that religious instruction which could be insinuated into the Roman Catholics through these schools, by means of these Scripture extracts. In the letter of Lord Stanley it was stated, that the Commissioners in 1834 found it impracticable to obtain leave from the Roman Catholic bishops to introduce these Scripture extracts into the national schools. That was an afterthought of Mr. Carlyle. He had foretold that this system could never be adopted, because Dr. Murray had on his oath (and the other archbishops had sworn to the same effect) stated, in the words cited by Mr. Doyle, p. 905, that

> "Any thing read before Catholic children must be taken from the Catholic version, even if read to other children in their presence. Any thing given as Scripture must be in the words of the vulgate; we cannot permit any other to be used as Scripture. Extracts are inadmissible, even if they are on the most innocent points in the world, if they are not in the self-same words as our own version. But we never can agree that anything should be given as the words of Scripture to the common people but the Douay version."

In the Committee of the House of Commons Mr. Blake was asked how it was possible to reconcile with this declaration of Dr. Murray, the concoction of the present volume of Scripture extracts? The answer which Mr. Blake gave to that question was curious enough. He said, that when Dr. Murray made that declaration, there was no Catholic translation of the Scriptures in common use in Ireland, save the Douay version, that Dr. Murray was speaking with reference to that state of things; that Mr. Carlyle subsequently proposed to make another version; that Dr. Murray consented to that proposal, provided that due attention was paid in it to the vulgate, and that the translation so made had in consequence of the silence of the Irish bishops become the authorised translation of the Scriptures among the Roman Catholics of Ireland. On that ground Mr. Blake reconciled the declaration of Dr. Murray with the circulation of these Scripture extracts. Their Lordships had recently had other evidence upon that point presented to them, besides that of Mr. Blake and Dr. Murray—evidence which was as high as any that could come before them on such a point. Dr. M'Hale, in one of his letters to Lord John Russell, said—and Dr. M'Hale was as sincere as any Roman Catholic bishop, and was unquestionably one of the ablest men which the Roman Catholic Church in Ireland had produced—Dr. M'Hale said,

> "Mr. Blake has attempted to elevate a garbled motley book, compiled by a Calvinist, and covered over with the leprosy of unsound and suspicious doctrine, to the dignity of the Douay Bible. How wayward is the ratiocination of some individuals! This gentleman construes the silence of bishops, who never read those mischievous productions, into solemn approval. For this strange doctrine on the silence of the bishops I must express to him my deep obligation. It first directed my attention to those pernicious volumes, and having read some portions of them, I did not fail to interdict them in all the schools under my jurisdiction, so that the faithful will be free from their pestilent contagion."

He adduced this evidence for the purpose of enabling their Lordships to judge how far the acquiescence of the Roman Catholic clergy in those Scripture extracts was either general or universal. There was another matter connected with these extracts, to which he wished to call the attention of their Lordships. It had been stated, that Dr. Murray left Mr. Blake to prepare this volume of Scripture extracts, while he was himself absent at Rome for six months. He did not know whether he was to understand from the fourth report of the Commissioners, that these extracts were now to be withdrawn. He hoped, that they were. It was not said, that they were, but he thought that it was to be implied from the words of the report, for in the rule where these extracts were formerly appointed to be read in the national schools there was no longer any recommendation to that effect. That relieved their Lordships from the pain of seeing that recommended to be done which no true Christian could see done without feelings of great pain and anguish. No one, he was sorry to say, could look at the works of the Commissioners without seeing in them manifest proofs that there had been a degree of management in their proceedings which was disgraceful to them all, no matter whether they were Roman Catholics, Protestants, or Presbyterians. What was their joint and common object? To place those extracts of Scriptures, which each Church claimed as favouring its own peculiar doctrines, before the public as the same in point of doctrine and discipline for them all. Such a proceeding was, in his opinion, equally discreditable to all the parties who had any participation in it. He lamented —from the bottom of his heart he lamented —to see that men of high character in the Protestant Church of England had permitted themselves to be employed in so disingenuous an operation. He was inclined to look at this matter with as little severity as possible, He would not say, that those men had wilfully betrayed the religion of which they were the ministers, for that would be charging them with wilfully debasing the religion which they were specially charged to uphold; but it was impossible for him not to say, that he saw in their conduct an absence of that entire ingenuousness which he had a right to expect from them, and an absence of that serious regard for the sacred employment they were engaged, in which we all had a right to expect at their hands. He could not reconcile their conduct with the feelings which he thought ought to animate them, nor could he speak of them, save in terms of strong censure. He was loth to trespass on their Lordships with theological matter, but it was his duty to show their Lordships that these Scripture extracts were corrupt and mischievous as explanations of God's truth to Protestant children. There were two passages in Scripture, on which he Roman Catholics founded the worship of the Virgin Mary, 1 Gen. iii. 15, where their translation said, "She shall bruise (or crush) the serpent's head," &c. Our and every Protestant translation had "it (or he) shall bruise"—that is, the seed of the woman shall bruise. In the Scripture lessons the Protestant translation is accepted (for in truth, Roman Catholic biblical scholars admit, that some manuscripts, even of the vulgate read it so), but in their own Douay version, they guard their application of the passage to the Virgin Mary, by a note, saying, that the sense in either case is the same, viz., whether the woman is said to crush the serpent's head herself, or by her seed. And the Protestant Commissioners have adopted this note, and say, that they agree with their Roman Catholic colleagues in their understanding of the text. Thus is the authority of the Commissioners given for the Roman Catholic application of this text to the Virgin, on which application they in part founded that worship which their Lordships had all repeatedly declared to be superstitious and idolatrous. Again, the alleged sacrifice of the mass involved one of the most important differences between the Church of Rome, and the Reformed Churches. The doctrine of Rome was, that in the sacrifice of the mass, Christ offered himself in an unbloody manner, dying mystically. In the sacrifice on the cross, he offered himself in a bloody manner, dying really. This doctrine of the sacrifice of the mass rested principally on the Roman Catholic translation of the passage in Gen. xiv. 18, 19. For the annotators of the Rhemish Testament admitted, that St. Paul, when commenting on the eternal priesthood of Christ (a priest for ever after the order of Melchisedeck) made no mention of this sacrifice, because of the depth of the mystery. They said, that Melchisedeck sacrificed in bread and wine, and only in bread and wine; that this was the sacrifice of the priest, according to whose order Christ was said to be a priest for ever, by reason of the sacrifice of the eucharist. That doctrine was altogether built, he repeated, on the Roman Catholic translation of Gen. xiv. 18, 19. Melchisedeck brought forth bread and wine, for he was the priest of the most high God, thus making the oblation of bread and wine his priestly act, Our translation, on the contrary, represented him as bringing forth bread and wine, simply for the refection of Abram and his wearied soldiers, "and he was the priest of the Most High God, and he blessed him;" thus making the benediction to be the priestly act. The whole difference depended on the construction of the particle, which was translated by the Romanists "for," by the Protestants "and." Now, the Scripture lesson presented a translation which departed from the original, and also from both the Roman Catholic and the authorized version. But while it did this, care was taken that it should give the sense of the Roman Catholic translation in opposition to ours. "Melchisedeck, king of Salem, brought forth bread and wine, "being a priest of the Most High God;" as if he brought forth bread and wine by reason of his being a priest of the Most High God. In favour of the same doctrine, in Luke xxii. v. 20, a present participle was translated in the Rhemish Testament as if it were future—"shall be shed," while in our version it was given literally "is shed." But the Scripture lesson of the board rejected our literal translation, and adopted one which was of similar import with the Rhemish—namely, "is about to be shed;" and this was done, notwithstanding the use made of this change of tense from the present to the future, by the Roman Catholics, in confirmation of the doctrine of the sacrifice of the mass. He would note only one other instance, and that the worst of all, because they had been told by Mr. Carlyle, that it was the result of much and serious discussion and deliberation. In the note on the word "repentance" the Roman Catholics and Protestants were represented as meaning the same thing on this cardinal point, on which they differed more widely and more irreconcileably than perhaps on any other. He would not enlarge on it. He would merely quote a work entitled *Essays on the Errors of Romanism having their Origin in Human Nature*, by Richard Whately, D.D., Archbishop of Dublin. In the section on vicarious religion he said (p. 117), "The Romish priest" (assuming the character of a mediator and intercessor) "undertakes to reconcile transgressors with the Almighty, by prescribing penances to be performed by them, in order to obtain his absolution; and profanely copying our only high priest, pretend so to transfer to them his own merits, or those of the saints." Again, p. 129—"Hence" (that is, from exalting the priest into the mediator between them and God) "sprung the doctrine of the necessity of confession to a priest, and of the efficacy of the penance he may enjoin, and the absolution he bestows. I repeat that these, and a whole train of similar absurdities, are too gross to have been forced upon the belief of men not predisposed to receive them." Would it be believed that this was the language of a man in the highest station in our Church, who, after long and repeated discussion and consideration, had declared that the Romish penance and Protestant repentance, mean one and the same thing? He now came to the second resolution—that the working of the system had a tendency to encourage the Roman Catholic, and discourage the Protestant religion in Ireland. The exclusion of the Bible, in the first instance, contained in it the seeds of incalculable concession to the Roman Catholic religion; it was therefore the bounden duty of those who were intrusted with carrying the system into effect, if they meant to deal honestly towards the Protestant Church, to guard it as far as human prudence could. Lord Stanley took great care, in his letter of instructions to the Board, to secure fairness as far as possible, particularly by requiring the utmost attention to be paid to the due qualifications of the masters. But the Board had set at nought every one of Lord Stanley's regulations. Lord Stanley had said, that they should allow the individuals or bodies applying for it the appointment of their own teacher, subject, among others, to this restriction, that the person selected should have received instruction in a model school in Dublin, to be sanctioned by the Board. Appended, however, to this was a note, to the effect that the regulation did apply to schools previously established, or any which should be established before the model school came into operation: and, in consequence of this admission, the Board considered itself relieved from everything like restraint. They gave their money right and left, the Roman Catholics being eager to avail themselves of the aid of the Board, while the Protestants had a conscientious scruple on the subject: they went on establishing schools, until they had admitted no fewer than 1,400 schoolmasters, without the slightest attention to their qualifications. No doubt the Catholics were eager to avail themselves of the advantages arising from the money to be obtained from the Board, but such was the manner in which these schools were conducted, that the Protestants were prevented, by conscientious scruples, from taking any relief, and what was the consequence? Why, that the teachers of those schools were, for the most part, hedge-schoolmasters, and it might be said, that the whole system was under the control and patronage of the Roman Catholic priests. This observation applied more particularly to three of the Irish provinces, and it was admitted by a Roman Catholic clergyman, Dean M'Namara, that the teachers in the schools of those provinces were a wretched, an ignorant, and a discreditable set of persons. In the province of Munster, there were not more than two or three Protestant schoolmasters. Now, why was it that all the schools had been seized upon by the priests, and that the Board had been ready to receive masters of their recommendation? The fact was, that the patronage of those schools strengthened the power of the priests, and gave them a greater control in the management of their parishes than they would otherwise possess; and hence it was, that they had seized upon them. But to illustrate the matter by facts. The schools in Carlow were under the patronage of Father Keogh, one of the most furious of the agitators; and Father Hughes had the patronage of those in Meath, although he had declared, that Bible-readers ought to be stuck with a pitch-fork, and placed under water. In the county of Tipperary, a clergyman named Lloyd, who was not violently opposed to the schools, had been grossly treated by one of the schoolmasters, and when he complained to the Board on the subject, what was said to him by Mr. Kelly, the secretary? Mr. Kelly, in point of fact, admitted that the Board could not give schoolmasters to the schools who were not under the influence of the priests, but stated, that if the party against whom the complaint was made were brought before a bench of magistrates, and convicted for his misconduct, the Board would order him to be dismissed. Mr. Lloyd, accordingly, had him brought before a bench of magistrates, and not only was he convicted, but a fine of 5*l.* would have been inflicted on him, had not Mr. Lloyd interfered and got it mitigated to 5*s.*, observing, that he had no wish to injure him, or deprive him of his situation. The Board, however, sent down an order for his dismissal, but what was the result? Why, that so far from its being carried into effect, the order was not even attended to, and this same individual continued in the situation for upwards of eight months. But how was this managed? Why, by making a boy of fifteen years of age the nominal master, and retaining the discarded teacher in the character of an assistant. The Board, however, ultimately ascertained the fact, and then the dismissal actually took place. In another case where a man named Maloney, a person possessing high qualifications, was appointed to a school in the county of Waterford, under the patronage of a Roman Catholic priest, what occurred? Why, that this priest told Maloney, all he cared about was, that he should teach his catechism, at the same time warning him against holding any communication with Protestants, or even lodging in their houses. After some little time, this same priest called on Maloney to break the rules of the Board, and because he refused to do so, he poured out the utmost indignation against him. Of course the parish priest was extremely indignant with him for that offence. But he was guilty of a much greater offence than this. The schoolmaster had recourse to his bible, and his conviction in the truth of the Roman Catholic system was shaken. He resolved to go to a Protestant place of worship; he went; what he heard there satisfied him that the Protestant Church had more of spiritual religion than he was previously prepared to believe; he continued to go to Church, became a Protestant, and he was immediately denounced from the altar; the children were taken from the school, and it was said, he emptied it from incapacity. A memorial was presented to the Board by the Protestant clergyman of the parish; an investigation was promised; how had it been conducted? Simply by a reference to the parish priest, the patron of the school. Another memorial was presented, but with a like result, and the poor man was turned adrift, penniless, from his occupation as teacher, for no other offence, than becoming a Protestant. There was also the case of Dr. Croly, a gentleman, of all the clerical converts to Protestantism, the most respected by men of all parties. He was suspended, in consequence of declaring himself rather a reformer than a member of the Protestant Church, having scarcely gone further than Dr. Doyle, in his celebrated letter, recommending an approach to the Church of England; he was living quietly in his parish when the priest who was put in his place thought proper, in consequence of his own chapel being under repairs, to use the national schoolroom, for several Sundays, as a place of worship, where he denounced Dr. O'Croly. That gentleman wrote the following letter of complaint to the Board:—

"Ovens, Ballincollig, December 18th, 1835.

"Sir,—I beg to state a few particulars respecting the Ovens National School, which is in my neighbourhood, and with which I was for some time connected. The schoolhouse has been used for some Sundays past as a place of worship, contrary to the rules of the board. But this is a trifle; something more serious is to be said on the subject. The rev. J. Daly, who is called the parish priest, thought fit on last Sunday and the Sunday before to denounce me to his congregation, in this same schoolhouse, at mass-time, for having presumed to publish my sentiments on religion and politics, and for having laid down the principles of religious union and reconciliation. He left nothing unsaid that could excite the fury of the multitude against me. He distorted every thing, he misrepresented every thing: in short, he held me up to the congregation as a fit object for hatred and persecution. Further, he told them I was the companion of their new proctor; and after having indulged in a tirade against tithes, he passed a sneering compliment on the peaceable conduct of the parishioners in suffering this gentleman to go among them unmolested. The object of this coupling and this atrocious compliment was well understood: God grant it may not be acted on. All this scene was acted last Sunday at mass in the national schoolhouse of Ovens, which has been thus made the theatre of the worst species of religious bigotry and malevolence. I submit that this case demands the attention and interference of the board; and that an investigation should take place before any further grant is ordered for the school in question. The case I have stated, to say nothing of its atrocity in a general point of view, is opposed point blank, in the spirit and the letter, to the end and object proposed to be accomplished by the National Board of Education. Will any Protestant send his child for instruction to a school thus circumstanced, or under the superintendence of such a priest? I have the honour to be, your faithful servant,

"David O'Croly, Priest.

"Mr. T. F. Kelly, Office of Education."

To which the following letter, after a considerable lapse of time, was returned by the secretary of the board:—

"Office of Education, Dec. 22, 1835.

"Rev. Sir,—I have to acknowledge the receipt of your letter of the 18th inst., and this morning of your letter dated the 19th inst., both relative to certain infringements of the rules of the national system upon the part of the manager of the Ovens National School. I am directed to state, in reply, that the necessary investigation shall immediately take place; and that the commissioners, when fully informed upon the matter alleged, will make such directions as the circumstance may warrant. I am to return their acknowledgments for your communication. I remain, rev. Sir, your obedient servant,

"Thomas F. Kelly.

"Rev. David O'Croly, Ballincollig."

The investigation having been promised, took place without any communication with Dr. O'Croly, and he heard nothing more of it till he received the following letter:—

"Office of Education, Jan. 20, 1836.

"Rev. Sir,—The Commissioners of Education direct me to state, that they have made the necessary inquiries into the matter alleged by you with respect to the Ovens National School, and that they find that divine service had been performed, as you stated, in the schoolroom, but under circumstances of very peculiar necessity, so much so as to induce them to forbear imposing any forfeiture upon the school, but at the same time eliciting from them a very strong admonition against any repetition of it. With respect to the language alleged to have been used against you, and the subjects spoken upon, they have received from the rev. gentleman alluded to by you so very strong a denial of these things, that they cannot but hope that some great misrepresentation must have been made of the matter to you. They trust that your feelings upon this point will coincide with theirs. I remain, rev. Sir, your obedient servant,

"Thomas F. Kelly.

"Rev. Dr. O'Croly, Cork.

The secretary to the board addressed the following letter to Mr. Daly the parish priest, who superseded Dr. O'Croly:—

"Office of Education, Jan. 21, 1836.

"Rev. Sir.—I have received and laid before the commissioners of education your letter of the 11th inst. relative to the matters alleged in respect to the Ovens National School. They direct me to say, that under the very peculiar circumstances which, as stated by you, caused divine worship to be celebrated in this schoolhouse, they forbear imposing the necessary forfeiture which should follow such a violation of their rules; but at the same time they desire to convey their strict and decided admonition against any repetition of it under any circumstances. With respect to your disavowal of the language imputed to you, they cannot but feel, from your very full and explicit denial, that some very strong misrepresentation must have been made; and, fully satisfied of this, they have directed me to say so accordingly. I remain, rev. Sir, your obedient servant,

"Thomas F. Kelly.

"Rev. J. Daly, Cork.

Dr. O'Croly could not, in consequence of the persecution to which he was subjected, continue to reside in his parish, and was obliged to betake himself to the military station of Ballincollig, where he wrote this letter:—

"Ballincollig, Jan 27, 1836.

"My Lords and Gentlemen,—The day before yesterday I received your communication of the 21st. The rev. Mr. Daly has for the present ceased his diatribes against me; for this, in all probability, I have to thank the interference of the board. His denial of the charges specified in my letter only sinks his character still lower in my estimation. To use the words of Swift in *Gulliver's Travels*, he has said the thing 'that is not.' The charges I made I was prepared to establish, and I was quite surprised that I was not called on to do so. His whole congregation, many of whom were scandalized at his language, can bear testimony against him. The investigation appears to me to have been a strange one. The *ipse dixit* of the accused is taken as a proof of his innocence. His denunciations of me in the national schoolhouse were so truculent and so alarming that I have quitted my residence near his chapel and taken shelter within the walls of the military station at Ballincollig. Begging to be excused for giving so much trouble, I remain, my Lords and Gentlemen, your very faithful servant,

"David O'Croly, Catholic Priest.

"The Commissioners of Education."

Such were the persecutions to which this gentleman had been subjected because he had turned Protestant. He believed it would be impossible for Protestants after that to put confidence in a board which had so conducted itself. On the authority of the rev. James Carlyle, the resident Commissioner — an authority which the Government at all events would not be likely to dispute—he was enabled to state that which he well knew before, but which their Lordships might be glad to hear had become evident to Mr. Carlyle—that the Roman Catholic priests held the Roman Catholic people in the strictest and most oppressive thraldom. In a memorial a copy of which he held in his hand, it was stated, that recent events proved that the Roman Catholic priesthood in Ireland were most deeply tinged with infidel principles, and that they rejected the Scriptures as the word of God, although they formerly held them to be so sacred that none but the clergy should be allowed to peruse them. Some amongst the Roman Catholic priesthood in Ireland held that it would have been better if the Bible had never been written. It was justly observed that the people of Ireland possessed no means of learning what Christianity was, otherwise than through those traitors. It yet remained for him to direct the attention of their Lordships to a class of cases which appeared to him to be of no trifling importance—namely, the schools connected with nunneries and monasteries in Ireland. Of these a great number were under the Irish Board of Education. The expediency of placing them under the board had been at all times much doubted, and soon after its formation that question came to be fully considered. Lord Stanley felt, that it would be a hazardous experiment, and no small anxiety prevailed as to the result. When Mr. Carlyle was examined before the Committee of the House of Commons, he was asked such questions on one occasion as led him to state, that the board and their officers had been extremely watchful of the proceedings connected with those schools; this reply he made on the 17th of April. On the 24th, in answer to a question from Sergeant Jackson, he stated, that he did not consider that the board paid very particular attention to the proceedings which had reference to those schools, although within the short period of one week he had given a totally different account of their practice. From what occurred at the time the schools in question were taken under the board, he should say that nothing could be more evident than that Lord Stanley intended extreme vigilance should be used as regarded them; but it was now clear from the latter reply of Mr. Carlyle, that those schools had been from that time forward abandoned to monks and nuns, who now presided over them with all those outward manifestations of Popish ascendancy which, of course, were well calculated to startle Protestant children. Another feature in the conduct of those schools was remarkable; access to them generally proved extremely difficult; they were not to be approached without much ceremony; bells were to be rung, and parties examined, before they were admitted, lest any dangerous individual should make his way into the interior of these schools. Here he might, in passing, observe, that those schools were kept up in connexion with religious houses, the members of which had taken an oath of poverty, and who in conformity with that oath gave the whole of the salary that they received from the board to their brotherhood or sisterhood, as the case might be; and this transfer of the funds supplied by the board extended not only to the salaries of the teachers, but to the cost of building schools. In one case, that of Tallow, 200*l.* had been given for building a new school-room; a new nunnery was then in course of being built, a convenient school-room was included within its walls, the whole edifice being three stories high, and the school-room situate in the middle story, and the whole building cost 2,000*l.* When an application was made to the parties concerned in the erection of this building to vest the school-room in trustees, they resisted on this ground, that it was unreasonable and absurd to require them to place in trust a building that had cost 2,000*l.*, for the value of 270*l.*, which had been contributed towards its erection. In the case of Navan school, too, the money granted upon the faith of estimates for fitting it up were applied to the building of the House. Upon the site of a school-room in Dublin (King's-inn-street), the public money had been most improperly expended, though the site had been selected by Dr. Murray. At this school the ceremonies of the Roman Catholic religion were ostentatiously observed; at 12 o'clock on each day prayers, genuflections, and crossings took place, and it was found upon examination that Protestant children were well acquainted with the Roman Catholic catechism. Not only in that school, but in the model school, the various holydays enjoined by the Roman Catholic discipline were scrupulously observed. The right reverend Prelate next alluded to a school wherein an altar had been erected for the Roman Catholic service. Upon information of the fact being conveyed to the board by one of the Commissioners of Public Instruction in 1834, the board wrote a very strong letter to the manager of the school, requiring that the altar should be immediately removed. The manager, a Mr. Smith, wishing to make an application for permission to keep up the altar, went to Dublin in search of one of the Commissioners, whom, however, he did not succeed in seeing. He met Dr. Murray and stated his case to him, and asked him if he thought he might keep the altar for some time longer. The altar was, in fact, continued for four months longer. Dr. Murray replied, that he thought the continuance of the altar, would be permitted for some time longer, although he had been told by Mr. Smith that he (Mr. Smith) had received a peremptory order from the board to remove it, as being contrary to the regulations. In this way the direct order of the board was eluded, with the knowledge and connivance of the principal Roman Catholic member of that board. The next school he would refer to was that of Roundstone, in the county of Galway. Mr. Sullivan, the inspector, said, that when he went to inspect the school at Roundstone, the board had not sanctioned the appointment of the new master. This master was a monk of the order of St. Francis; the board returned this school as taught by a monk. He belonged to a monastery in Roundstone "founded by the religious brothers of Mount Bellew, of the third order of St. Francis, by the sanction and approbation of his Grace the most rev. Dr. M'Hale, Lord Archbishop of Tuam, November 18, 1835." Here were two violations of the Roman Catholic Relief Act—1st, in giving to Dr. M'Hale the title of Archbishop of Tuam; 2nd, in founding a new monastery. The clergyman of the parish complained to Mr. Sullivan, that the monks of that house were intolerant and vehemently hostile to the Protestants. Mr. Sullivan, seeing these bad feelings to exist on both sides in a greater degree than elsewhere, thought that the appointment of one of these monks to be teacher of the school was not a likely mode of conciliating the parents of the Protestant children. If he could have removed him he would. He reported to the board his opinion, stating to them that he had been asked, and had answered, that he did not think the board would confirm the appointment, and that his opinion was grounded on the distinction between schools built by and belonging to monasteries, and schools built by and belonging to the board. He clearly intimated his opinion to the board that this monk ought not to be confirmed in the mastership, and advised, that a person of superior attainments, capable of teaching navigation, should be appointed. In spite of this, the board confirmed the appointment of this monk, who having since died, they had actually sanctioned the appointment of a monk to succeed him. Roundstone school was built at the expense of the board, on the application of the parish priest and three Roman Catholic laymen. He thought that all these things justified him in calling upon their Lordships to pronounce upon the second resolution he had ventured to bring forward—namely, that the working of the present system had been productive of discouragement to the Protestant religion in Ireland. Respecting the last resolution, viz., that the modifications proposed in the fourth report, did not appear an adequate remedy for the evils that existed, he would not give their Lordships much trouble, at least, as far as regarded the reasons he had to advance in its favour. He did not mean to investigate the cause of those evils, but he believed he might say, that the proposed modifications were of such a kind as to make it little matter of surprise that almost every Protestant body in Ireland that had approached their Lordships' House with a declaration of its sentiments, had concurred in condemning them as an aggravation of all, or almost all, the evils of the former system. The greatest benefit offered by the fourth report was the exclusion from the schools of all corrupt doctrines, but there must the good be considered to end. The Protestants complained not merely that the Scriptures were excluded from the schools, but that they were placed on a par with the Roman Catholic catechism; that it was considered they had no more right to be admitted to form part of the national education of Irishmen than the Roman Catholic catechism. What did the fourth report propose to do? It proposed, that instead of excluding all catechisms, it should admit the Bible and all catechisms to be read whenever the managers should think fit, and at such hours as they should give public notice of. In the first place, their Lordships would observe, that the Bible was not esteemed of greater value as a part of instruction than either the Protestant or Roman Catholic catechism, and to that arrangement he should give his most decided opposition, as doing an injustice to the word of God, which this Christian country should blush to sanction. But that was not all. The practical result of that arrangement must necessarily be, that from the great majority of these schools the Bible would be excluded, and the Roman Catholic catechism admitted, for it was still in the power of the managers freely to exclude the one and admit the other, provided they gave public notice of such their intention. Let their Lordships then recollect who the managers were, who would have to decide whether the Bible or Roman Catholic catechism should be used in the schools. They were either persons entirely at the mercy of the priests, or, as was generally the case, priests themselves, and priests too of the worst description. The report did not even insist that Protestants should receive the religious instruction their parents should require, but that they might stay away, if they did not wish to take part in, or listen to, the instruction offered, and this was proposed forsooth to show, that there was no intention to interfere with the children's religious education in any way objectionable. Let it not be supposed, that this attempt to undervalue the Bible was not in conformity with the opinion of Roman Catholic ecclesiastics. Dr. Wiseman being asked whether the principle upon which the Bible is not made the essential portion of education is, that the Catholic principles of faith does not consider it necessary for each individual to have that personal knowledge of the Bible which the Protestant rule requires, and consequently there has been no reason why the Bible should be put into the hands of children, answered, "The Catholic believes, that he has the safeguard of a sanction or an authority which he believes cannot fail; and consequently he is sure that as long as he has connexion with that authority, and takes his doctrines from it, he has them more accurately than if he took them immediately for himself." Such was the principle laid down by an individual admitted to be one of the most learned and able Roman Catholic ecclesiastics in this country. It was assented to by the Catholic laity, merely because they were at the mercy of the priesthood, from whose tyranny, however, they would willingly be freed. There was a remarkable portion of the evidence to which he wished to call attention, as showing the eagerness with which the Roman Catholics of Ireland viewed the subject of biblical instruction. He would not take a representation of that fact from Protestants nor from Roman Catholics second hand, or on mere report, nor from any hasty expression that a Roman Catholic might happen to have let fall; but from the well-considered and deliberate decision of Roman Catholics, strongly expressed in an address to the Irish Society. That address was signed by between 2,000 and 3,000 Roman Catholic teachers in Ireland, and was as follows:—

> "It having been officially and publicly stated, that his Majesty's present Government, being of opinion that the determination of education societies in Ireland to enforce the reading of the Scriptures in their schools had defeated

their objects as education societies, and that on these grounds Parliamentary aid would be withdrawn from such institutions, we Roman Catholics, masters and adult scholars in the King's Court district and its branches in connexion with the Irish society, having, through the instrumentality of that institution, been instructed to read the Scriptures, and thereby to appreciate them as the words of the living God, do feel it an imperative duty, a duty which we owe to the Irish society, to ourselves, our children, and our fellow countrymen, to come forward at this momentous period, when the present mode of education is about to be changed, and the Scriptures removed from our national schools, publicly to express our humble but most firm, sincere, and heartfelt sentiments on this important subject. . . In our humble sphere of life, mingling daily with that numerous peasantry of which we form a part, we have more sure and certain means to know and to ascertain the real sentiments of that peasantry relative to scriptural education than any member of his Majesty's Government. We, therefore, most truly and solemnly declare, that the Irish peasantry in general are sincerely and zealously attached to the Scriptures, and that, instead of objecting to send their children to bible schools, the very circumstance of the bible being read in a school will induce many to prefer that school. . . . . . We can assure the committee of the Irish society—we can assure his Majesty's Government—that the Irish peasantry are most anxious for scriptural knowledge for themselves and their children. There are thousands of Roman Catholics whose cry can never reach the ears of the British Senate, who dare not breathe a word against the tyranny that oppresses them, who, from sincere love for scriptural education, in defiance of every species of hostility, continue to send their children to bible schools. Under these circumstances, though conscious that the society with which we are connected is entirely independent of Parliamentary support, and that no legislative enactment can ever affect its interests, we trust that a British Parliament will never use its influence to arrest the progress of scriptural knowledge in Ireland, deprive the Irish peasant of the book of God, which he reveres, or withdraw its aid from any education society, merely because the bible is read in its schools. Believing that the Holy Scriptures contain the mind and will of Jehovah to his creatures, that they were given for our learning and instruction in righteousness, and are able to make us wise unto salvation through faith in Christ Jesus, we consider them the only sure and safe basis for the literary education of youth—the only general centre wherein the various religious distinctions can meet, and are convinced that, pure and entire as they emanated from the Deity, and were given to man, they are the property, the privilege, and the birthright of every human being, with which no power on earth has any right to interfere."

He entreated their Lordships to listen to that appeal from 3,000 of their Roman Catholic brethren in Ireland, and to join with him in the resolutions he brought forward, which must have the effect of restoring to their countrymen the use of that blessed book which was the chief source of all happiness. He did not mean to trespass on their Lordships with any resolution respecting the commissioners. He felt that the passing of these resolutions must show to the commissioners that they had done much less and some of them much more than the duty they had to perform; but he would not purchase a single vote in their Lordships' House by deviating in the slightest degree from that course which he considered to be linked with justice. The Protestant commissioners would hardly be able to disguise from themselves, after the publication of the evidence, even if they were ignorant of it before, that they had not the confidence of the Protestants of Ireland or the friends of the Church in that country. He rejoiced at having discharged what he felt to be a solemn duty in bringing this matter before the attention of their Lordships. In their hands he left it, perfectly indifferent to their decision, as far as he himself was personally concerned, but deeply interested in their decision as affecting the best interests of the Protestant religion both in England and Ireland. The right rev. Prelate concluded by moving the resolutions.

The Marquess of *Lansdowne* trusted, that their Lordships would bear with him, if, in endeavouring to rebut the statements of the right rev. Prelate who had just sat down, he was compelled to occupy their attention at some length. He thought he should have little difficulty in proving to their Lordships that the time was not come when they could, with any regard either to justice or to expediency, pass this censure—this implied censure, at least—for the right rev. Prelate admitted so much, not only on the system of education pursued in Ireland, but on the conduct of the eminent persons to whom the management and control of that system was intrusted. He was quite prepared to hope that their Lordships would think with him in this matter—for he most conscientiously believed, that whatever improprieties might have crept into the first commencement of that system, imperfections which, in particular cases, the commissioners themselves would be the last to deny, because it must be well known that imperfections of this nature were incident to any such difficult and complicated new undertaking—they no longer existed. That undertaking had been rendered still more difficult of accomplishment by the character of their assistants, whose ignorance in many cases was found extremely troublesome. They had also to contend against continued misrepresentation, which found its material to work upon in the necessity under which the commissioners were placed of employing new means. They had to contend, besides, with a mass of prejudice, which time was already dispelling, and which time, he felt confident, would continue to dispel. He had no reason to complain of the right rev. Prelate for entertaining the opinions which he chose to entertain on this subject, or for asking their Lordships to express by a vote their concurrence in those opinions. But he must, at the same time, express the regret which he felt at the time which the right rev. Prelate had chosen for introducing this discussion. In a Parliamentary sense he had no ground of complaint against the right rev. Prelate for selecting whatever period of the Session he thought proper to bring forward the subject of this night's discussion. But he might be permitted to express his personal regret, that the right rev. Prelate, with these reports upon the table from the commencement of the Session, should have passed over a period of the Session when their Lordships were engaged with almost no other subject to divert their attention, and when one of the commissioners, the noble and learned Chancellor for Ireland, was present day after day, and ready to answer any questions which might be put, or to meet any discussion which might arise—he could not refrain from expressing his surprise that that period should have been suffered, day after day, and week after week, to elapse without this subject being brought forward; and that the moment should be chosen when the chief Ecclesiastical Commissioner could not be present, in consequence of his duties, which called him elsewhere, the present commissioner being also compelled to be absent by the necessity of attending to the functions of his Chancellorship. During the two months when that noble and learned Lord was present, all the information which the right rev. Prelate could desire was lying upon the table; and when the Chancery sittings were over, the noble and learned Lord would be in his place again in their Lordships' House, prepared to answer any statement which the right rev. Prelate might be disposed to make. Under these circumstances, he did not dispute the right rev. Prelate's right to bring forward this subject at the present period, and still less did he dispute the excellence of his tactics. What he principally regretted was, that he should have thrown upon him (the Marquess of Lansdowne), and upon his imperfect means of information, the necessity of saying, in the absence of the commissioners, that which he hoped would induce their Lordships not to give their assent to the proposition of the right rev. Prelate. He should be spared the task of going into a very minute detail of many of the matters to which the right rev. Prelate had alluded, because he considered that this was a question which must be disposed of by its general results. That in the mass of evidence which had been laid on their Lordships' table there might be found, as in any extensive inquiry of this description, circumstances of detail to be regretted—circumstances in which the means at the disposal of the commissioners were found not to be sufficiently adequate to enable them to discharge the important duty imposed upon them by the public—circumstances in which they were compelled to seek by imperfect means after that information which was necessary to enable them to perform the most difficult task which they had so disinterestedly taken upon themselves, could surely not be matter of surprise. But when the right rev. Prelate said, that the commissioners did not possess the confidence of the country, and appealed in proof of this assertion to the declaration of those witnesses whom he himself had summoned before the committee,—the witnesses having been all selected by the right rev. Prelate, and the committee having given him the most complete latitude in this respect—he scarcely thought that their Lordships, or that the country would be disposed to draw from testimony thus selected the inference that these commissioners had in any way lost that confidence on the part of the country, the possession of which was so necessary to the efficient discharge of their duty. He would endeavour now to take the three resolutions one by one, although it would be impossible to disconnect them wholly. The first resolution went to declare that this system of education in Ireland had failed. It certainly had not succeeded to the extent that might have been anticipated by hopes of the most sanguine description;

but to him it appeared to have succeeded to an extent far greater than any other than a very sanguine mind could have anticipated under all the circumstances of the case. It had succeeded infinitely better than any other system which had been previously introduced with a similar object. It had accomplished what Parliament had proposed in its adoption—the object which was specified in Lord Stanley's letter—in communicating the blessings of a civilised education to the people of Ireland, without distinction, within four or five years, to a degree infinitely beyond what could reasonably have been anticipated. The opinion stated in Lord Stanley's letter, an opinion in which the Government of that day, as well as of the present, fully concurred, was that a Christian and civilised education should be communicated to the great mass of the people of Ireland, that mass being Roman Catholic; and that that object should be attained as far as possible with the accompanying important circumstance, that the minority, being Protestant, should have their share, receiving it in common with the Roman Catholic body, and that all distinctions of sect should be got rid of in communicating this instruction, by which it was hoped to eradicate that fatal estrangement which was the root of all the evils observable in the state of Ireland, and the cause of those disorders and convulsions which a mass of prejudices fomented. The first object had been accomplished to a very great degree. Their Lordships would be ready to admit the truth of this allegation when he informed them that this society had now within its schools no less a number than between 160,000 and 170,000 children. And, with all the efforts and ability—and very great they were—which had been employed before in the endeavour to establish various systems of education in Ireland—with all the efforts which had been exerted to establish the Kildare-street schools, it appeared, by the returns that not more than 37,000 children, being only one-fifth or one-sixth of the number collected at one period in the schools of the National Board, had been brought into a state of education by the Kildare-street Society. The returns from which he drew his information had been carefully compiled by the commission of inquiry instituted in 1824. The Kildare-street Society had been in operation a good many more years than the National Board; and the latter had gone on year by year adding its tens of thousands of pupils, while in the last year 15,000 or 16,000 pupils were added to the previously existing number. The system was proceeding equally in the four provinces into which Ireland was divided, and a most satisfactory ratio of increase was exhibited in each province. A part of the right rev. Prelate's case was, that it was so successful as to afford encouragement to the Roman Catholic religion. But the right rev. Prelate must himself admit, that it was good to substitute a good Roman Catholic education for a bad one. In no view of the case could he decline to admit, that it was good to substitute a good and open system of education, in which you know what is going on, and can subject the system to inspection. Who would deny, that it was desirable to make such a species of education succeed to that miserable system of ignorance, under the form of learning, which subsisted previously in the shape of hedge schools in Ireland? The right rev. Prelate said, that the commissioners had not extended an equal degree of promotion and encouragement to the Protestant religion, and that, in this respect at least, he was fully justified in passing his resolution. Now, he would, in the first place, contend, that although this system had been ever so successful, although every man in Ireland was favourable to it, although the Protestant clergy of Ireland had not united to arrest its progress, still it was not to be expected, that the Protestant population should have availed themselves of the assistance held out to them by the board in the proportion which the Protestant bore to the Catholic population. For it was notorious to their Lordships, that among the Protestant portion of the community in Ireland might be found the far greater proportion of the wealth of the country, and they, therefore, could not be supposed so likely to require this eleemosynary system of education. Besides, the Protestant population had neither the countenance of the Protestant gentry nor of the clergy, more particularly of the latter, if they were desirous of sending their children to these schools. Notwithstanding all these circumstances, it was surprising in how great a degree the Protestant population had come in to reap the benefits of this system. He had a return in his possession from which it appeared, that the whole of the members in the province of Ulster—the most Protestant province of Ireland—stood thus. The return was taken for the ecclesiastical province of Armagh, the bounds of which did not differ much from those of Ulster. Out of a population of 1,171,618 Protestants, and 1,955,123 Roman Catholics, there are in the schools of the National Board 17,000 Protestant and 28,000 Roman Catholic children. Now, this was very little short of the natural proportion of the population. Thus far, it surely could not be asserted, that the Protestants were not partakers of the education furnished by the National Board. It should, besides, be considered, that there were many parishes in Ulster in which any Protestant sending his children to their schools subjected himself to a system of the most harassing persecution. When he spoke of the determined opposition given by the Protestant clergy of Ireland to these schools, he trusted that their Lordships would acquit him of any intention to speak disrespectfully of that opposition, when it was conducted with temper and propriety, and consistently with the sacred character of the individuals. The necessary consequence of this opposition was, that these schools were in danger of being thrown into the hands of the Roman Catholic clergy, for no other reason than that the Protestant clergy did not choose to take any share in their management. Where the clergy, however, did not exhibit this spirit of opposition, the Protestant children received the very best education, and no case of abuse, that he was aware of, had occurred. In the case to which the right rev. Prelate had adverted, of Messrs. Woodworth and Maturin being prevented from entering into one of the schools in Dublin, it arose solely from a misunderstanding on the part of the teachers, who did not think, that at that period they should be interrupted in their avocations. No obstacle was afterwards offered, nor had any complaint of such obstacle been preferred. If in the number of those who were searching for matters of complaint as to the system of National Education—complaint not to be forwarded to the Board of Education, but to the right rev. Prelate—if any such complaints had been made, and if he found any of the Protestant clergy saying, that they had attended at those schools with the view to give religious instruction to the Protestant children, and that, not having been supported in their endeavours, they had declined further attendance—if he had heard any complaint of that kind, he would admit, that it would be evidence against the working of the system; but nothing of the kind was to be found in the reports to the Board. They had the evidence of clergymen, some differing from and some agreeing with the principle on which the system of national education was founded, and their reports would all show, that the children of Protestants and Catholics were sent to the national schools in the relative proportions of the number of Protestants and Catholics in the several districts. There were several reports which would show this. The noble Marquess here read some extracts from the report of the rev. Mr. Staples, who had several schools and several parishes under his care. In one school, the numbers were seven Protestants and fifty-one Roman Catholics; in another, forty-nine Protestants, and forty-eight Roman Catholics; in another, twenty-one Protestants and seventy-six Roman Catholics; in another, thirty Protestants and twenty-three Roman Catholics; and this was the system under which it was said, that Catholics and Protestants could not be found to unite. Now, in looking at the census in 1831, it would be found, that the attendance of Protestants and Catholics in the schools to which he had referred was in the proportion to the Protestant and Catholic population. The noble Marquess then referred to the evidence of the rev. Mr. Hastings and others, to show, that according to them, the system of joint Protestant and Catholic education had worked well, and that applications had been made to place many schools already established under the superintendence of the National Board, but that in one case, those had been opposed by the owner of the property on which the schools were located. He would next refer to the opinion of a Gentleman whom he considered of high authority—a Member of the other House, not only not connected with the Government, but generally opposed to it; he alluded to Mr. Ingham, the Member for South Shields. According to the statement of that Gentleman, the system worked well in general in the north of Ireland, but that it had failed in many parts of the south in consequence of the opposition of the Protestant clergy; but in Killaloe there was a most constant union of Protestant and Catholic children in the schools, and why? Because the bishop of that diocese had not discountenanced them, as in other places, and his clergy had done their duty by them as the Legislature intended. Mr. Ingham added, that he knew of no schools better conducted than those under the board, which he had visited, except those taught by the Christian Brothers

—a body of persons of whom it appeared, that the right rev. Prelate had no very high opinion, but who, he would say, had done much good. They were a confraternity who had bound themselves, and devoted themselves wholly to the gratuitous education of the poor. In other schools which Mr. Ingham had visited, there was no instance of a Protestant child being withdrawn from the instruction of the Protestant clergyman. In the Belfast district, Mr. M'Cartney and Mr. Hincks, though opposed in some respects to the national system, desired to remain on the committee, and to have the schools under their care, placed under the board, because they admitted, that the system worked most beneficially. He might also refer to the authority of Lady Osborne, a most benevolent and intelligent lady, who devoted many years to the education of the poor. She had expressed an anxious wish, that all the schools under her superintendence should be placed under the national system. Lady Osborne added, that if there were few Protestants in her schools, it was owing to the small proportion of Protestants in the district. No jealousy was excited by those schools, and the priests did not interfere, and he found that the minds of the people were becoming daily more and more familiar with the holy Scriptures, from communication with the children in those schools. Did these facts look like a bad working of the system, or a withdrawal of the Protestant children from the schools where Catholic children were educated? He was aware, that some clergymen refused to attend to give instruction to Protestant children, and that the children were in consequence withdrawn, because the clergymen conscientiously objected to follow the Protestant children into a building where Catholic children were instructed in the Catholic religion. Now, however much he respected conscientious objections, he owned that he did not see the consistency of the objection in clergymen who were bound by their duty to attend in hospitals and infirmaries to afford religious consolation to the sick and the dying, and who frequently attended for that purpose by the bedside of a Protestant, at the next bedside to which was a Catholic priest, administering such consolation as his religion afforded to one of his own communion. Why should not the same principle be admitted in schools? He knew, also, that objections were made by many to extracts from the Scriptures being given to children. On this point, he would not follow the right rev. Prelate into what he would not call his broad, but rather his very narrow, view of this subject; but as to the extracts, they contained the highest and most important moral truths, inculcating the fear and love of God, the love of one's neighbour, and the strict performance of one's moral and social obligations. Did the right rev. Prelate ever know an instance in which any hypercritical comments, or any metaphysical arguments, as to the construction of any particular passage, had ever led any of the Protestant children astray in those schools? If he did, would he mention that one? It would have been satisfactory if the right rev. Prelate had cited instances in which it had occurred to Protestant children. There were 15,000 Protestant children educated in these schools. The commissioners stated the number at 18,000, but everybody admitted, there were 15,000 and yet not one instance had been brought forward out of all this number. Then, again, with reference to this point, it must be remembered, that the system of the board was not compulsory, in any of its parts; the object was to provide the means of religious instruction to the children of both denominations; and in pursuing that object, they said to the Roman Catholics:—"We submit the Scripture extracts to you, but if you prefer the instruction of your own clergyman, then we recommend that he should attend the school, and give that instruction." Now, with regard to the prospects of extending further this system of education, he must utterly deny, that th system had failed, and he was prepared to contend, that there was reason to anticipate that it would advance in that way in which it was most desirable that it should advance,—that was to say, with the concurrence of the more moderate, and the more efficient of the clergy of Ireland. Indeed, it had done so already. Those who were the most deeply impressed with religious opinions, and who formerly were most adverse to the system, had of late come into it. They had heard on the committee the evidence of the rev. Baptist Noel, (and those who had heard it, would not soon forget the manner in which that evidence was given), and he said, that he had been at first warmly adverse, but that he had lately visited Ireland, and paid great attention to the working of the system, and that he was sorry to find, that the clergy there were generally opposed to it, but that he found those to be most opposed to it who knew the least about it. But that, however, he had been induced, from a consideration of the whole of what he had observed, to hope, that the resistance of the clergy might finally be overcome, and the system have the benefit of the aid and support of all those who now opposed it. There was another witness whom he wished to call into court, who was not examined last year, and whose opinion on the subject being of recent formation, told immediately on the present state of the system. The witness he meant was the rev. Mr. Hoare, Archdeacon of Ardfert, and minister of an episcopal chapel at Limerick; and lest their Lordships might not be aware who this Gentleman was, he would say that he was a man of the most irreproachable character, and of the most unbounded zeal as a clergyman, and that, partly by expenses out of his own pocket, and partly by great exertions, he had raised a chapel in Limerick, in the very heart of a Roman Catholic population. Well, the rev. Archdeacon Hoare stated, that he condemned himself for having gone too far in the opposition to the system, and then observed —and he begged to call their Lordships' attention to this, because it was a comment on the conduct of some of the clergy of Ireland which was not what he (the Marquess of Landsdowne) should have ventured to make, but coming, as it did, from a clergyman who had thus succeeded in establishing a chapel in the midst of a Roman Catholic city, and who was intimately acquainted with the wants and feelings of the people of Ireland, such a comment was undoubtedly entitled to consideration—the rev. Gentleman observed, that without inquiring whether the clergy were right or wrong in absenting themselves from these schools, it was not quite fair to charge on the system the results which sprung from their own absence. Thus it had been alleged that the schools had fallen under the management of the Catholic priests; but this was not attributable to the board, who were very desirous to obtain the attendance of the clergy; but though the clergy could not be expected to promote the institutions of schools of the principles of which they disapproved, yet they need not abstain from visiting these schools when they were set up, and as the conscience of so many of the clergy enabled them to visit the schools for the purpose of reporting their faults and blemishes, he did not see why they should not visit them for the purpose of removing, or mitigating, or correcting some of those evils which they had been so indefatigable in discovering. These, let it be remembered, were not his remarks, but the remarks of Archdeacon Hoare on the conduct of the clergy of Ireland. But the instance of this witness, and of the rev. Mr. Noel, showed that the most zealous men, when also reflective men, came forward to acknowledge that the great purpose of the regeneration of Ireland could not be carried on with any prospect of success without a national system of education, without which poor-laws or any other step that could be taken recoiled on itself. He must say, he did share in the hope of these gentlemen, that no long time would elapse before a great portion of the clergymen of Ireland would come to give the system their support. With these remarks he should leave this part of the subject, and proceed to touch the last point noticed by the right rev. Prelate, with reference to the modifications of the system. He understood that objections had been made to reading the Scriptures unless in school hours. Persons said there was no use in this. But if they once admitted the Scriptures into schools for both Protestant and Romanist, you must introduce that which the Roman Catholic esteems as indispensable to be introduced along with it, namely, Roman Catholic catechisms: if the Protestant Bible and the Roman Catholic Bible were to be introduced, the Protestant catechism and the Roman Catholic catechism also. On the whole he would say that the modifications which had been referred to, in the report, were of a decidedly beneficial character. Then as to the conduct of the officers, he would not defend the conduct of all the officers of the Board in all cases, because he knew that in the early period of an institution with deficient funds some irregularities were likely to occur, as he believed they had in fact occurred. With respect to what the right rev. Prelate had said on the subject of the returns which he had moved for some time back, and which the right rev. Prelate had said the commissioners had at first refused him, but which had afterwards been got through the commissioners, he might be allowed to state to their Lordships, that on the occasion of the right rev. Prelate's motion he had asked the commissioners for returns, but received for answer from them that they could not give the returns, as they were not in the habit of making the inquiries necessary to supply them. He had again, however, written to the commissioners upon being again urged by the right rev. Prelate, and the commissioners, in consequence of his representations, had sent out their own officers to do that for the right rev. Prelate which was quite contrary to their habit. With respect to the officers, it must be remembered, that the board were not able to tell at sight who were the fittest persons to be employed by them, and that it was only by working and experience that they could find this out. But he must not pass by unnoticed one important modification of the original system, and that was the double system of inspection, under which persons were sent from Dublin into the provinces and to make general reports upon the schools there, while other persons were employed as local inspectors to make particular reports; and he thought, that raising the salaries of such of the masters as were employed as local inspectors would have the most beneficial effect in raising the character of that most useful class of men. As he had intimated, he did not doubt that small errors of trifling irregularities such as had occurred, would in future be avoided, and that they might be avoided the more easily, he should request, if he might be allowed, that those individuals in Ireland who were in the habit of occupying themselves in discovering faults and blemishes, in the system, should, whenever they found any of those faults and blemishes, at once make them known to the board. The usual answer of those persons, when asked whether they had communicated these faults to the board, was, that they had not, and that they disliked the board so much that they did not think they should, and that there would be no use in doing it. Mr. Young, who had been referred to by the right rev. Prelate, had expressed an objection to the board, which rested on no better ground than that they had behaved wrongly, according to his views, in a Chancery suit, by withdrawing it in a way that was disagreeable to him; and this was the ground of objection taken by this gentleman. He hoped, however, that they should hear more of gentlemen passing by the board and bringing their complaints to London, which appeared as if the object were to set up a shop in their Lordships House for retailing the complaints of certain people in Ireland, and especially such as concern the system of education established there. That system was new, it could not yet be expected to be perfect, but it was in a state of advance and improvement; and he trusted, that their Lordships, by their vote of that evening, would not furnish the means of arresting its progress.

The Duke of *Wellington* said, that having been one of those of their Lordships who had at first opposed the adoption of the present national system of education in Ireland, it was impossible for him to allow this question to go to a vote, by which the right rev. Prelate had called upon them to decide this question, without addressing a few words to their Lordships. He was one of those who always objected to this system of education; because he was of opinion, that in a country like Ireland, and considering the state of political agitation to which she had been exposed for nearly forty-five years, preceded as that agitation had been by agitation of another kind for a long period of years, but looking especially to the period since 1793, and particularly to the latter part of it, it seemed to him impossible that the system of the noble Lord, as he might call it, could be established in that country. He believed, that it would not now be denied, that the object of the system had entirely failed; he believed it had been so stated in evidence before their Lordships' committee; he believed, that there it was fully admitted, that that part of the system which related to the joint education of Protestant and Romanist had not answered. He would not enter into a dispute with the noble Marquess with respect to the advantages which had accrued to Ireland, and particularly the south of Ireland, from this system of education; but he thought, that the noble Marquess had not in the least shaken the statements of the right rev. Prelate as to the results of the joint system of education, either in the north or the south of Ireland. The noble Marquess had read the evidence of one gentleman respecting the north of Ireland, but the right rev. Prelate had gone into a vast number of instances respecting the north of Ireland, showing that the schools were composed only of Protestants, while in the south of Ireland they consisted wholly of Roman Catholics; therefore it was waste of their Lordships' time to say, that this was in reality a system of joint education. But if it were not a joint system, then it might become a question whether it ought to be carried on in contradiction to the wishes and inclinations of a large body of the clergy and gentry of Ireland. The noble Marquess, in various parts of his speech, had fairly admitted, that this joint system was opposed by the clergy, and that the motives of that opposition were conscientious motives. Now, he had heard very sufficient reasons for their opposition to this joint system from the beginning. He believed, that they foresaw the difficulties which they must encounter in the endeavour by this system to promote the education of those to whom they were bound to give education; and they said, therefore, that they would have nothing to do with it. The noble Marquess had read extracts from pamphlets and various papers, to show that in some cases, if they had attended, their attendance might have been of good effect; but still, in spite of this, there could be no doubt that the system of joint education had entirely failed. He could not help thinking, that there was great truth in the second resolution moved by the right rev. Prelate—namely, that the system had operated as a discouragement to the Protestant religion in Ireland. He could have no hesitation in saying, that if the evidence on the table were true, the system must have greatly tended, among other circumstances which had occurred within the last few years, to discourage the Protestant religion in Ireland. He agreed with the right rev. Prelate in thinking, that the fourth report of the commissioners had not removed the objections to the system founded on the fact, that Christianity was not allowed to be taught in the national schools; it had only apparently, not really, removed them. The truth was, the clergymen had not the power of going into the school and teaching the doctrines of Scripture; there were not the means of enabling them to give religious instruction to those who desired it. The noble Marquess had thought proper to enter into a discussion respecting the opinions delivered by the right rev. Prelate on the subject of the extracts. He could not pretend to follow the noble Marquess or the right rev. Prelate into the learned part of these extracts, but he thought it clear, that the noble Marquess did not see, and certainly did not answer, the objection taken by the right rev. Prelate. That objection was, that the doctrines of the Church of England had been compromised and laid aside, and that, according to the authority of a most rev. Prelate of the Church of England in Ireland, doctrines on two points had found their way into the extracts inconsistent with the tenets of the Church of England. The noble Marquess had argued the orthodoxy of these doctrines: into that question he (the Duke of Wellington) could not go; he merely stated the objection of the right rev. Prelate, which he thought had not been shaken, that the doctrines of the Church of England had been compromised. Now, he said, that ought not to have been, and he was very glad to find from the fourth report that the extracts were not again brought forward as matter of authority, and he believed the use of them had been discontinued in the schools. What he objected to in the fourth report was, that there was a pretence of using the Scriptures in the schools, whereas in fact they were not used; like other matters of the present day, that was a fallacy—they could not be used. He had no more confidence than before, that the system would be at all improved by the adoption of the fourth report. Having said thus much upon the question before the House, he must say he could not give his support to the resolutions of the right rev. Prelate. Although he had voted against the adoption of the system when it was originally brought forward, he had since, when in office, been a party to carrying it into execution, and had concurred in the grant of various sums of money for that purpose. In doing this he had done no more than his duty, because he was perfectly satisfied, that it was impossible to change a system of this description every day, upon every occasion on which a Ministry was changed. When a system of this kind had been adopted by Government, it was absolutely necessary that it should be continued on the principles on which it had been framed; Government ought to attend most closely to its execution, and see that its original principles, and the views of its founders, were adhered to. It was for these reasons he had consented to grants of money for its maintenance, and for the same reasons he now advised their Lordships not to consent to the resolutions of the right rev. Prelate. The resolution of that House must have a most important effect on the country, and especially in Ireland; but their Lordships must be perfectly aware that her Majesty's Government and the other House of Parliament were likely to adopt the fourth report of the Commissioners, and carry it into effect in the course of this Session; and he was certain, that their Lordships would be disposed to give their assistance and support to the Government in making the system, now that it was established, as complete as possible. Under these circumstances, however much they might disapprove of the system, however they might consider that it had failed, and that the abuses pointed out by the right rev. Prelate ought to be remedied, still he was convinced, that as Members of that House they ought not to take a course which would be inconsistent with the views of Government and of the other House of Parliament on this subject. With these opinions, if the right rev. Prelate persisted in taking the sense of the House on the resolutions, he would beg to move that their Lordships proceed to the order of the day.

The Bishop of *Derry* said, that the subject which occupied the attention of their Lordships appeared to him to be of so much importance to the interests of Ireland, that though placed at present in very painful circumstances, owing to the loss of a relative of his, he had determined to come down to the House and give his humble support to the national system of education. He could not pretend to say what might be the regulations of schools in the other provinces besides that in which he resided, but he could assure their Lordships that he had made several visits to the schools in his diocese, and had uniformly found it acknowledged by the most respectable Protestants that the children of the poor had derived most important benefits from the establishment of them. This was not mere assertion, it was a fact, which he stated with confidence, and which he was prepared to substantiate. They had heard much of the interference of the clergy of other communions with the schools. In the course of a tour in the diocese of Derry he happened to go into a particular parish, the rector of which was a man of high respectability, whose name he would have no objection to mention should it be required. He asked the clergyman whether any schools had been established in the parish, and was answered four. He asked him whether he found any difficulty in administering instruction to the poorer classes from the interference of the Roman Catholic clergy. The reply was, that no Roman Catholic priest had ever entered two of the schools; that one visit had been made to another, and two visits to the fourth. He thought it right to state this, but he was the last person in the world to object to any amendment of the regulations at present in force for the management of the schools. He was very glad that his right rev. Friend, if he might call him so, had abstained from making any charge of partiality or injustice against the commissioners. That was the most judicious and dignified course the right rev. Prelate could have taken; for it appeared to him that the less of personal acrimony that was mixed up with any subject the better, particularly if it were connected with education. He had the honour of calling the noble Duke, who was the first of the commissioners, his Friend, and he would have said to him, "Against such attacks oppose your character for integrity and honour—that will be your shield." To his most rev. Friend, now absent, he would have said, "Be not disturbed, you will have the best of all human approbation, the approbation of your own heart. You will discharge one of the highest duties of our holy religion by endeavouring to promote the glory of God in the best of all possible ways—by diffusing peace and benevolence on the earth."

The Bishop of *Norwich* need not say how deeply grieved he was, how inexpressibly he had suffered, by hearing the harsh expressions and hard measure dealt out by the right rev. Prelate who introduced the motion against those who had the misfortune to differ from him. There were many, he trusted, equally anxious to promote the interests and welfare of their country and of Ireland, and to diffuse Christianity, who considered this system of education as a beneficial mode of introducing its blessings among an ignorant people. Surely then the right rev. Prelate might have spared the harsh treatment, the denunciations he had levelled against those who held that opinion, as unworthy of the station they held in the Church. [The Bishop of Exeter *No, no!*] He spoke not in anger but in sorrow, and he deeply regretted that he had heard the expressions which fell from the right rev. Prelate's lips. The right rev. prelate had denounced the board of commissioners, but from his knowledge of the board and the eminent men of all persuasions who composed it, he was prepared to say, that he thought it would be difficult to procure in the whole circle of society men better fitted for the situation in which they were placed and the duties they had to perform. The right rev. Prelate had not brought the question before their Lordships with that openness and candour which were necessary upon so important a subject. He appealed for proof to a circular addressed by the right rev. Prelate to the clergy of the diocese of Derry, in which were the following words: "I shall consider myself much obliged if you will have the goodness to give me information on the subject of the system of national education in Ireland," not all the particulars, but, "especially of any instances of the abuse of the system, and the perversions to which it has given rise." Surely it would have been far more candid if the right rev. Prelate had asked for all the information they could give, in order that he might be enabled to form an impartial opinion. Before he entered on any of the charges advanced, he would just read a passage from the evidence adduced before the Committee of the House last year, as follows:—"The result of many of those inquiries will show how incautiously gentlemen with the best intentions will circulate calumnies derived from the base and the unworthy when they happen to coincide with their own prejudices." The first case to which he would allude was that of the school of Roundstone, of which they had heard much. Before he gave credence to all the statements made, however, he would refer to a charge made by the clergyman at Roundstone respecting the master, which might serve as a comment upon the passage he had read. The clergyman, whose name he would not mention, wrote a letter to the Archbishop of Dublin, and, he believed, to the noble Lord at the head of the Government, complaining of the intolerant conduct of the priest, and of the violence exercised towards the master of the school. This person's name was O'Flaherty, who had been dismissed by the priest; and he sent a memorial to the commissioners in favour of his restoration, signed by the chairman of a public meeting of Protestants and Roman Catholics, calling himself Patrick King, Esq. of Hanleybagge. The commissioners sent down an inspector to inquire into the matter, who examined this Mr. O'Flaherty, and forced him to declare, that the signatures to the memorial had been nearly all inserted by himself and the chairman, Mr. Patrick King, of Hanleybagge. But who, said the inspector, is Mr. Partrick King of Hanleybagge? Mr. O'Flaherty underwent a long cross-examination to elicit this point, and he was at last obliged to confess that Mr. Patrick King was at that moment absent without leave from a penance which he was performing in obedience to the sentence of a judge on the treadmill of Galway gaol. With regard to the school of Escar, they had been told, that mass was performed there in presence of the scholars. The fact was, that the friars who conducted that school some years ago had been collecting money for the erection of a school house. That building they used also as a chapel, but as soon as it came under the influence of the board, a red curtain was placed before the altar, and from that moment it never appeared in the character of a chapel while the scholars were assembled in it. A remonstrance was made to the board on the subject, and they answered, that while the chapel was building the altar should remain covered as before, and when the building was finished, it should be removed to its appropriate destination. This was a proof how a trifling matter might be magnified, and a straightforward narrative perverted into an improper interference with the rules of the board. A good deal had been said about the petitions presented on this subject. The petitions, which were presented to their Lordships in such numbers, must be carefully looked at, for all was not gold that glittered. He would give their Lordships the history of one of those petitions as he found it detailed in a document then before him. A petition against the system was presented from the parish of ——, in Ireland. The incumbent of the parish some time afterwards was examined by the board. He was asked whether the petition against the national system of education, which purported to come from his parish, was really and *bonâ fide* the petition of the persons whose petition it purported to be. He replied, that he had made every inquiry which he could respecting the petition, and that he had reason to believe, that it was in every sense of the word a hole and corner petition, got up among a few persons who were not acquainted with the object of the paper which they were signing. One of the witnesses subsequently examined by the board said, that he had signed it, because he was given to understand that there was a Conservative body of Lords sitting permanently in Dublin, who were prepared to pay the passage money of any Protestant who was willing to go to America, and that he should oblige them by affixing his signature to it. He likewise said, that a noble Lord opposite, whom he (the Bishop of Norwich) then saw in his place, was the individual Peer to whom he must apply, if he wanted it, for the payment of the passage-money. He therefore contended, that they ought not without examination to take these petitions to be a fair explanation of the meaning of those who signed them. They had heard a good deal in the course of these discussions of a certain Dean of St. Patrick. That rev. divine had uttered several violent denunciations agains the Catholic schools within his jurisdiction. He had not the honour of knowing that individual, but certainly he must be a very extraordinary man, though he doubted whether his evidence could be admitted as of much value respecting the rites and ceremonies of the Roman Catholic church. This Dean of St. Patrick was also examined beford the board. His orthodox spirit was most indignant at the idea of sending Protestant children for education to Roman Catholic schools, "for their very holydays," said he, "will be blemished by their contamination with the Roman Catholic faith." He was examined as to these holydays, and was asked which of them he objected to. He mentioned seven to which he had most particular objection. Now, the board took the liberty of analyzing the seven holydays which he mentioned. It appeared that they were the 17th and the 25th of March, St. Peter's-day, St. Paul's Ascension-day, Assumption-day, and All Saints. He told the board that he considered them to be Roman Catholic holydays almost exclusively. Now, the 17th of March was St. Patrick's-day—a day kept as a holyday, be believed, by every Peer on both sides of the House that was connected with Ireland, and celebrated, he knew, as a general holyday throughout Ireland by every person old as well as young, be his rank and station high or low. Next came the 25th of March—that was the Annunciation of the Blessed Virgin. Then came the days of St. Peter, of St. Paul, and of the Ascension. He was examined particularly as to Ascension-day. "Do you consider," he was asked, "Ascension-day as a holyday exclusively Roman Catholic?" His answer most unorthodoxically was, "I do." "Are you aware," was the insidious question next put to him, that it is a day kept as a very solemn holyday in our own Church?" His answer most ignorantly and most unorthodoxically was, "I am not aware of it." He should not have repeated this anecdote, had he not heard it himself; he would not have mentioned it had he heard it from another. With the exception of two of them we had services in our own Church for those peculiar days, and yet this rev. divine talked of not having the faith of Protestant children contaminated and perverted by their having anything to do with Roman Catholic holydays. Much, too, had been said of the unfortunate books which he then held in his hand. Unfortunate they had indeed been, for never had books been more grievously misrepresented, or more cruelly treated. These books, it had been said, were to be used as a substitute for the holy Scriptures. Now, the compilers and editors of these small volumes had never said, and, indeed, had never wished for, anything of the kind. They wished them, indeed, to be a leading step to the Scriptures. Among an ignorant half-educated people, they had compiled them to serve as milk for babes; they trusted, that these books would excite them to learn more of the Scriptures, from which they were extracts, until they led them safely and soundly on to rest for ever on the corner-stone of divine mercy. Such was the history of the origin of these books. Their Lordships had heard the orthodoxy of these books attacked, and one of the texts which had been canvassed they had heard successfully defended by a noble Marquess who had preceded him. He would touch but only slightly on the other texts, for he felt an unwillingness and an actual dislike to touch upon them at all; for he was not fond of discussing at all times and in all places these sacred questions. It was, therefore, only by compulsion that he bestowed a passing glance upon them at present. The first text on which the right rev. Prelate had commented was that text in Genesis, where it was disputed whether the translation should be, "The woman's seed shall crush the serpent's head," or, "She shall crush the serpent's head." Now, the real translation of that text differed from the Catholic version certainly. It also differed in some respects from our own. The particle literally rendered meant, "that same shall crush, &c." But in these books (holding them up in his hand), which were to make Protestants into Catholics, had the compilers taken the Catholic version? No; no such thing, They had taken the authorised version. He could say much more upon this point, but for the reasons which he had already assigned he should decline doing so. With respect to what had been said of their making no difference between penance and repentance, he had heard it said, not once merely, but more than twenty times, by clergymen who ought to have known better, that the Protestant had quailed before the Roman Catholic Commissioners on this point, and that they had admitted the Roman Catholic doctrine of penance into their books of general education. Now, the question was deliberately discussed at the board, and the result was, that the Roman Catholic Commissioners wished the word "penance" to be introduced; but when its exclusion was pressed at the board, they gave way, and the Protestant Commissioners kept in their word "repentance." There was a note, it was true, attached to that word; but a note in which he could only discover fair dealing, simplicity, and candour. These books had been impugned in the very strongest terms, and it had been said of them, that they were filled throughout with sentences carefully selected to explain and promote the tenets of Catholicism. Now, with the permission of their Lordships, he would read to them one or two quotations on that point from different authors. The first was from the work of a clergyman who avowed himself to be a decided enemy of the national system of education at present in force in Ireland. Let them mark what this rev. Gentleman said:—"I must," says he, after a strong vituperation of the system and those who conducted it, "I must do the editors the justice to admit, that so far as I have examined these volumes, I have found no passage which has either been introduced or omitted under the influence of any peculiar view of Christianity, either doctrinal or practical; and as our version is more faithful than the Douay version, and as these lessons are well calculated to convey religious instruction to the young and uneducated, these volumes may be used with benefit to instruct the children of Roman Catholics." He would next give their Lordships some evidence in favour of these volumes from another quarter, and when he stated who it was that furnished that evidence, he was sure that their Lordships would feel that it crowned the climax in their favour. They had heard a good deal lately of Dr. M'Hale, the titular Archbishop of Tuam. That right rev. gentleman had assailed the Board with greater violence even than that which had been displayed against it by the right rev. Prelate who had that night addressed their Lordships. Dr. M'Hale had attacked the board with all his powers of eloquence and with all his magnitude of talent—he had denounced and anathematised its books, and had publicly called them most pernicious volumes. Now, did not that mark the estimation in which Dr. M'Hale held these volumes? But Dr. M'Hale had gone further. He said, "I have read these pernicious volumes, and having read them, I have interdicted them in all the schools under my jurisdiction, so that the faithful will be free from their pestilent contagion." Surely their Lordships could not have stronger evidence than this to show that the system adopted by the Board of National Education was not intended or calculated to promote Roman Catholic education exclusively. He was not prepared to say, that these books were perfect—they were the compilations of men—they must, therefore, partake of human infirmities. But this he would say, that in these books he found every doctrine which Protestants valued, and every doctrine which Roman Catholics conceived essential to their salvation. He found in these volumes,—and here he must again repeat, that he was most unwilling to allude before their Lordships to religious topics, but in justice to the cause which he was humbly attempting to advocate he was compelled to allude to them,—he found in these volumes candidly and distinctly stated, the divinity of our Saviour, the doctrine of atonement, and every other doctrine of the Protestant religion which we value and inculcate in our churches. He might enter more at large into this part of his subject, but he had already intruded longer on the time of their Lordships than he ought, and indeed than he originally intended. He hoped, however, that their Lordships would not allow that evening to pass away without opposing these resolutions. He hoped that they would do their best to support and advance that religion which was best calculated for the present state of the Roman Catholic population of Ireland. "We cannot, my Lords, do all that we would," said the right rev. Prelate, "Let us, however, determine to do all that we can." If we cannot compel our Roman Catholic fellow-subjects to read the Bible, let us show in our persons by our conciliatory spirit, by our charity, and by our Protestant Christianity, that we read the Bible ourselves, and that we practise its mild and beneficent precepts, and on these data let us stretch out the right hand of fellowship to our Roman Catholic brethren, and implore them to receive it. That they will receive it, and receive it gladly in time, I have no more doubt than I have of my own existence. I could read you evidence accumulated upon evidence to show, that in consequence of receiving our short extracts, the curiosity of the people has been excited, to know more of the sacred volume, and that they never will be satisfied until they have the whole of it unmutilated in their hands. You complain that the Roman Catholics of Ireland are barbarians. [" *No, no.*"] Why you say they are not to be believed on their oaths; and you call them idolators. Now, if they are barbarians, if they are ignorant of the obligations of an oath, if they are idolaters, if they are thus mersed in barbarism and superstition, whose fault is it? For 600 years we kept them in ignorance. It is not for me to remind your Lordships, versed as you are in historical recollections, that even within the memory of living man there were heavy penalties inflicted upon any Catholic in Ireland who ventured to educate his children at a public school, or even under the shelter of his own roof. Though we kept them down formerly by the strong arm of power, we have of late years adopted towards them a wiser and more generous policy. We have given them civil liberty already: let us now give them that which will enable them to pave their own way to religious liberty. The Bible will circulate among them, if you do not attempt to promote its circulation by force. The heart of man is naturally attracted to it. It is said, but oh! how unjustly, that we have mutilated the Scriptures. We may mutilate this little book [holding up one of the books published by the board], but if you leave but one sentence of the divine original in it, it will fly abroad, and, like the fabled leaf of the Sibyl, will multiply itself a thousand times, and scatter its blessings in every direction. Take, for instance, that single sentence, 'Glory to God in the highest, and on earth peace and good will among men.' Let it go forth alone, a wanderer in Ireland, and under the judicious system of education now in practice there, it will soon cease to be a wanderer, and will find a home and a resting place in every Irish bosom.

The Earl of *Winchilsea* could not consent to give a silent vote on this occasion; and if he had required another argument to decide him as to the course which he ought to take with respect to these resolutions, he should have had it supplied to him in the declaration which the right rev. Prelate had just made, that Dr. M'Hale was decidedly opposed to the national system of education. His opinion was, that the system had been a total failure, and this feeling it was, that should bind him to support the resolutions of his right rev. Friend. The first duty of a Protestant Legislature was to establish no system of national education which was not founded on the word of God; and his belief was, that no system that could be adopted by a Protestant country would satisfy or conciliate the Roman Catholics. With a view to prevent animosity, however, the doctrines of the Protestant Church had been put aside; but had even that produced conciliation? If he thought any system would produce such an effect he should be inclined to support it by way experiment; but, as a Protestant, he must say that this system was not consistent with the views or feelings of Protestants, who had, since the period of the Reformation, been blessed with Scripture truth without mutilation. He did not hesitate to assert that, no enactment had occurred since the time of the Reformation which had caused such heart-burnings as the introduction of this system of education had done. It was one of the first duties of the Government to do all in their power to extend the blessings of a religion which had rendered England great, prosperous, and happy, and therefore he should, even though unsupported, stand by the proposition of his right rev. Friend. The means they had taken to conciliate the Roman Catholics had utterly failed. The only effect it had produced was to render them more bitter than they were before, and with this conviction he certainly felt it a duty that he owed to the people of this country, as well as to the Protestants of Ireland, to vote for the resolutions.

The Earl of *Wicklow* said, that as a Protestant system of education the present system had failed; although as a Catholic system he would admit that it did afford something like good and wholesome instruction to the children of that persuasion, such as they had never previously received. He was astonished to hear the noble Marquess opposite declare, that he did not consider it to have failed after the admission which he had made in the committee. Was it not in consequence of that admission that modifications had taken place, and that new arrangements had been made by the Board and the Government for the purpose of conciliating the Protestants? While he admitted the resolutions of the right rev. Prelate to be correct, he could not vote for a proposition which would imply censure on the commissioners. He was at first opposed to the system, but then it was to the people and not to the sytem itself that he objected. The reports proved that the system of the Kildare-street Society was working well, and that was one reason why he was opposed to any change, and he should now urge the same argument against any total alteration of the present system which had now been in operation for some years. It was a very different thing to object in the first instance, and after a system had been in operation for some time. He thought that thanks were due to the commissioners for the concessions which they had made, and he argued, that it was a great improvement to have the Scriptures introduced during the joint education, but this was accompanied by regulations which rendered it almost practically worse than before. If some modification were made with respect to the use of catechisms and other religious books it would relieve the system from much objection, and go far to satisfy the Protestant clergy without giving offence to the Roman Catholic portion of the community.

The Bishop of *London* wished, as he meant to support the resolutions of his right rev. Friend, to guard himself by explaining why he should do so. He was glad that his right rev. Friend had adopted a course different from that which he originally intended to take, and that he had separated from the others the resolution which would imply a censure on the commissioners and those of the clergy who acted with him. He was opposed to the present system of national education in Ireland, because he conceived it to be based on principles which were fundamentally vicious, and which could not, therefore, be prevented from future failure. It had failed, on the one hand, in effecting religious good; and on the other, the only effect which it had produced was to encourage Roman Catholics and to discourage the Protestants. It was impossible for any one to read over the evidence taken on the subject without being convinced of this fact. Some noble Lords seemed to support it on the ground, that the experiment had not been sufficiently tried, but his belief was, that it would never do good He held it to be the duty of a Christian Government to uphold Christian truth in every system of national education which they might establish, but he denied, that it was consistent with Christian truth, and asserted that such a compromise was calculated to retard rather than promote the object which it had in view, namely, conciliation. He begged their Lordships to recollect, that the Roman Catholics had held up the Protestant clergy to odium and condemnation; and, although the Protestant clergy had been placed in circumstances of remarkable difficulty, he was happy to say, that they had acted conscientiously, as he hoped they always would be found to act, in their opposition to any system of which they disapproved. While he disclaimed all censure on the commissioners or those of the clergy who acted with them, he must say, that he abhorred the system of education which had been adopted in Ireland, and it was this consideration which should induce him to give his vote as he meant to do in favour of the motion of his right rev. Friend.

The Marquess of *Clanricarde* said, the details brought forward by the right rev. Prelate (the Bishop of Exeter), affected the commissioners more than the system; they referred to particular management in particular schools; they did not apply to the system itself, but to particular schools, formed under the authority of the system. The noble Earl opposite (the Earl of Wicklow) had said, that the Government ought not to have discountenanced the schools of the Kildare-street Society; but he would contend, that it was the people of Ireland who discountenanced them, because they refused to send their children to those schools, and that was a sufficient justification for not applying the public money to maintain them. He denied, that the system was a failure. Let their Lordships recollect the short time it had been established, let them recollect the great excitement which had prevailed; not only in Ireland, but in England also, since that period, and the events consequent upon that excitement; then let them look to the number of schools which had been established, and then he would ask whether any man would say, that this system, up to the present moment, had fairly been tried? Their Lordships had the fact before them in the report, that no less a number than 166,935 children were at present educated under the system. He thought the Commissioners, by the regulations they had made, had ameliorated the management of those schools, and had done their utmost to carry out the system in the spirit in which the Legislature had thought fit to establish it.

The Earl of *Roden*—My Lords, I believe I was the first Member of your Lordships' House who ventured to call your Lordships' attention to this subject. I hope, therefore, that I may be excused for saying a very few words, in giving my hearty concurrence to the proposition which has been submitted to your Lordships' consideration by the right rev. Prelate. My opinion, my Lords, is precisely the same at this time as it was at the first moment I had the honour to bring the subject before your Lordships. My Lords, my firm and settled conviction is, that it is not consistent with a Protestant country—that it is not consistent with the duties of a Christian legislature—to establish or uphold any system which has not the Scriptures as contained in the Bible, and that, without note or comment, for its basis, as a national means of educating the people, for I am convinced that no system of national education can succeed without God's blessing; and the basis of the present experiment is, the rejection of those great scriptural truths which He had commanded to be taught and preached to every creature. My Lords, it ought not to be forgotten, that the system for which this national system has been substituted (the Kildare-place Society) was day by day increasing in usefulness, and additional numbers were continually flocking to the schools; and I beg leave to deny the assertion of the noble Marquess (Clanricarde) that the Kildare-place Society had been dwindling away when the National Board was established. At no time were they more flourishing or more usefully engaged in disseminating the Scriptures amongst Roman Catholics as well as Protestants; but it was the establishment of the anti-Scriptural system which cramped, and, I may say, destroyed the effects of their important labours. I confess, my Lords, that I was much grieved and surprised at the speech of one right rev. Prelate, who had addressed your Lordships this evening (the Bishop of Norwich), and who so unsparingly condemned the conduct of the Protestant clergy of Ireland, in reference to the system of national education. My Lords, I will never hear that truly deserving, that devoted, and to Ireland, that most valuable class of persons, spoken of as they have been this night, either in this House or elsewhere, without raising my humble voice in their defence. The noble Marquess (Lansdowne) has also joined in condemning the Protestant clergy of Ireland—I fling back, with scorn, the imputations of the noble Marquess upon that respectable body. The noble Marquess said, "I think, that there was a combination entered into by the Protestant clergy in Ireland, against the present system of education in that country." My Lords, that combination, as the noble Marquess has been pleased to term it, is but the working out of the conscientious feeling of some of the wisest and best men in the country; and I trust that, in spite of what may be said against them, they will continue to persevere in that line of conduct which appears to have called forth the disapprobation and censure of the noble Marquess. My Lords, I must say, that seeing the clear light in which these resolutions have been submitted to your Lordships by the right rev. Prelate. I cannot but regret, that the noble Duke (Wellington) is not inclined to give them his support; for I do think, that if ever there was a case in which your Lordships were called upon to give a decisive opinion, it is on the present occasion, when the right rev. Prelate has, with so much ability, and so much credit to himself, brought forward a subject so important to the vital interests, not only of Ireland, but of this country. My Lords, these being my opinions, I cannot hesitate to give the resolutions before you my most cordial support.

Viscount *Melbourne* said, that the right rev. Prelate moved but three of his resolutions; as the House would recollect he had not moved his fourth resolution, but it would probably strike the minds of most noble Lords, that the rev. Prelate had framed his speech before he altered his motion, for the far greater part of his speech consisted of cases proving, or rather tending to prove, neglect and misconduct on the part of the commissioners. No one could, for a moment, doubt that the right rev. Prelate who brought forward the motion, intended, by means of it, to cast a censure upon the commissioners. The other right rev. Prelate (the Bishop of London) could do no less than disclaim any intention of conveying that censure. For his part, he was perfectly ready to admit, that, in many of the cases in which so much had been said of conscientious scruples, there might have been feelings of the sort; but no doubt there was also a little of politics. When the present plan of education was brought forward in the year 1831, by his noble Friend, Lord Stanley, there was, after the general election, a decided manifestation of public feeling. At that time, the Anti-Reformers, who since called themselves the Conservative party, were turned head over heels; they were tossed about in every direction, hurled to and fro, and much time elapsed before they could exactly understand the position in which they were placed; they certainly, even when in power, had made no attempt to educate the people. It might be truly enough said of the system of national education in Ireland, that to a certain degree it succeeded, and to a certain degree failed; but he entertained not a shadow of doubt that a well-advised perseverance in it would prove highly beneficial to the country. It had been said, that the system to which he was referring, gave encouragement to the Roman Catholic and discouraged the Protestant religion; it must be admitted, that the argument of the right rev. Prelate went that length, but following it out legitimately, it amounted to this—that they could not educate the Catholics upon any principle whatever. The possession of funds by one party would naturally lead to discussion; on that ground, the Conservative party were beaten; but it was their own fault that they were so beaten, they engaged in a bad quarrel, and they deserved to be beaten. As to the present motion, he should rather it had been met by a decided negative; but as the previous question had been moved, if that mode of meeting it would reconcile the proceeding more to the feelings of the noble Duke, he should not be so fastidious as to object. He should not then add anything more to the reasons already given in favour of the amendment, but simply limit himself to requesting, that noble Lords would consider the situation in which they would place themselves, if the resolutions of the right rev. Prelate were agreed to. They could not leave Ireland without education. If separate grants were made for each of the sects, it would occasion endless discontent; they could not give the larger grant to the wealthier and less numerous sect, and if they were to give a grant to the Roman Catholics, without doing anything for the Protestants, he need hardly say, that it would occasion the most serious discontent, while the present system, avoiding both the extremes, afforded the hope that it would ultimately embrace all within its limits, and advance the civilization and happiness of the country.

Lord *Fitzgerald* and *Vesey* said, that the concluding observations of the noble Viscount were amongst the most important of that night's debate. He, in consequence of those observations, felt himself in a position which he did not at first anticipate—viz., that of voting with the noble Viscount as well as with the noble Duke (Wellington). In saying so, however, he must be permitted to add, that he disclaimed all those sentiments expressed by the noble Viscount which had reference to the religious feelings of those Protestants in Ireland who had, through conscientious motives, resisted the present system. Although it could not be said, that that system had succeeded, he still entertained the hope with which he entered the Committee of last Session, of seeing a system founded on the same principle—that of united education—working successfully in the country. With regard to the resolutions of the right rev. Prelate, while he could have wished that they had not been brought forward, he thought it but fair to the commissioners, if their Lordships were not prepared to come to a resolution inculpating their conduct, that it would be but fair to give a trial to good intentions. He could not avoid remarking, that the right rev. Prelate (the Bishop of Norwich) had that evening extolled the eloquence and talents of a rev. Gentleman of the Roman Catholic Church, while he had spoken in rather harsh terms of those members of his own Church from whom he differed. He had spoken of them in a manner which afforded a striking contrast with that in which the right rev. Prelate below him had spoken of members of his own Church from whom he, too, was on principle opposed. The

Dean of St. Patrick's, whose evidence the right rev. Prelate (the Bishop of Exeter) had commented on, and which had been given through a misconception of the question, yielded not in character or piety to any rev. Divine—he would not say to those who upbraided him. That rev. Gentleman had abstained from sharing in the administration of this system, because he was conscientiously opposed to it. The right rev. Prelate, with an equal right to his own opinions, had been, before he was raised to his present elevated position, the defender of what he was that night the opponent. He declined voting for the resolutions of the right rev. Prelate, because they imputed to the present system of national education a failure, which had been partial, and which might be guarded against by a different administration. It was undesirable to say, the system had failed if they were not prepared to call upon Parliament, and above all, upon the House of Commons, which had pronounced itself in favour of the present system, to adopt another in its stead. These were the only reasons which he should, at that late hour of the night, offer to their Lordships for the vote he intended to give. He felt so strongly the difficulty in which the commissioners had been placed—in which any set of men might have been placed, in endeavouring to render a system applicable to the state of Ireland, divided as it was by religious and political feeling, that nothing could induce him to support the fourth resolution, had it been pressed by the right rev. Prelate, or to say they had criminally abused their trust, when he knew, that the majority of those Commissioners—he believed he could not make an exception—had endeavoured to reconcile their conflicting opinions in the administration of a system, respecting which it was obvious they could not all be conscientiously agreed. If they had ultimately failed, it was from circumstances which no man or set of men could control, and which no human power could prevent. He would not abandon the hope which from the commencement he had entertained, of seeing the present system in successful operation until every fair effort had been tried and found ineffectual.

The Bishop of *Chichester* was understood to say, that he believed the great objection to the present system was the exclusion of the Bible from the schools, or else the introduction only of garbled extracts therefrom. He had reason to hope, however, that that objection on the part of the Protestant clergy would be removed by the conciliatory disposition which the commissioners had evinced, and which he doubted not would lead to the introduction of the Bible in such a manner as to suit the wishes of the friends and parents of the children of all denominations.

The Bishop of *Exeter* said, that the noble Marquess (Lansdowne) had congratulated him upon his tactics in reference to the period and circumstances of the Session at which he had chosen to bring forward his resolutions. He certainly could not return the compliment. If there was one noble Lord in the House who had less right to allude to that point than another, the noble Marquess was that man. The noble Marquess would recollect that when he, early in the Session, asked what course the Government intended to pursue on this subject, (the noble Marquess) said he could not tell. He thought it his duty to wait till within a week of the Easter recess, when he was at length told by the noble Marquess that the Government did not intend to bring forward any measure on the subject. The noble Marquess had also thought fit to say, that certain returns respecting the number of scholars had been produced at his request, and that they had been made use of by him. That was totally contrary to the fact. About five years ago he had asked for those returns, and was told they could not be had. A noble Lord opposite received the same answer some time since. So much for the statements of the noble Marquess. The noble Duke (Wellington) said, he did not mean to support this motion. Now, although the noble Duke made that declaration, he felt that he was indebted to the noble Duke for the most powerful support he could have received from any individual. He asserted most seriously his belief, that the noble Duke had not only supported his motion, but, absolutely given to it a support, that night which hardly any other individual in the House could have given so ably; for he felt confident that the observations of the noble Duke with respect to the management of the Board of Education in Ireland would produce a strong impression upon the mind of the country. He should be sorry to say anything calculated to throw ridicule upon the right rev. Prelate (the Bishop of Norwich) who had not however, been sparing in his observations with regard to himself. The right rev. Prelate had with some emotion charged him (the Bishop of Exeter) with having denounced that right rev. Prelate and others. No such thing had, however, ever entered into his contemplation.

The Marquess of *Lansdowne* explained, that he never had said anything to the right rev. Prelate upon the subject of the intentions of Government in this matter with a view to deter the right rev. Prelate from making any motion which he pleased.

Their Lordships divided on the order of the day moved by the Duke of Wellington:—Contents 71; Not-Contents 26: Majority 45.

Resolutions were lost.

List of the Not-Contents.

ARCHBISHOP.
Canterbury
DUKE.
Newcastle
MARQUESS.
Cholmondeley
EARLS.
Winchilsea
Warwick
Mountcashel
Bandon
VISCOUNTS.
Strangford
Lorton
Combermere
BISHOPS.
London
Bangor
Carlisle
Gloucester
Exeter
LORDS.
Sondes
Grantley
Kenyon
Saltersford (Courtoun)
Gage
Bolton
Carbery
Clanbrassil (Roden)
Rayleigh
Bexley
De Saumarez

HOUSE OF COMMONS,

Friday, May 25, 1838.

Minutes.] Bill. Read a second time:—Captured Slave Vessels.

Petitions presented. By Sir Stratford Canning, from the Owner of the Vixen, complaining of that Vessel having been confiscated by the Russian Government.—By Mr. Baines, from Coldstream, for the Abolition of Negro Apprenticeship.—By Mr. Currie, from Armagh, for the continuance of the present Act respecting the Manufacture of Irish Linen.—By Mr. Sergeant Jackson, from the Clergy of the Diocese of Elphin, in Ireland, against the Tithes (Ireland) Bill; and from the Diocese of Limerick, against the system of National Education (Ireland)—By Mr. Thornely, from Wolverhampton, for lowering the rate of Postage.—By Sir G. Grey, from Plymouth, in favour of the Bill for the better Observance of the Sabbath.—By Mr. D. W. Harvey, from the Journeymen Bookbinders of London, against the Copyright Bill; and from the Wesleyan Methodists of South Shields, against Negro Apprenticeship.—By Mr. T. Duncombe, from Islington, for additional Church Accommodation.—By Mr. Hall, against Negro Apprenticeship.

Negro Apprenticeship.] Lord *John Russell* wished again to ask the hon. Baronet the Member for Warwickshire (Sir E. Wilmot) whether he was prepared to give notice of any measure founded upon the resolution adopted by the House the other evening?

Sir *Eardley Wilmot:* In consequence of the noble Lord having so decidedly stated on the night that the resolution was carried, and also upon several occasions since, that he should oppose any measure that might be introduced to carry the resolution into effect, and in consequence of its being one of the strongest arguments of the anti-abolitionists, that the agitation raised by the friends of immediate emancipation has, in a great measure, prevented the voluntary manumission of the slaves he must state, that it was not his intention to proceed in any way whatever upon the resolution he had carried, thinking that the resolution as it stood, would have a stronger, more powerful, and more successful effect towards inducing the slave-owners to do that voluntary which the bill would compel them to do. Therefore he should not bring in any bill at present, reserving to himself the right to act on the resolution hereafter.

Lord *John Russell:* The hon. Baronet having declared, that he does not at present intend to take any measure in consequence of his resolution, but reserves to himself the right of taking any measure hereafter, it is incumbent on us to ask this House's opinion whether or not it is prepared to agree to the first or second decision to which it has arrived in the course of the present Session. Whether they are content with the law as it at present stands, or whether they mean to alter that law. If they are content with the law as it at present stands, that law must be executed. If the law is to be altered, that alteration must be carried into effect in the proper way; and that law, as altered, must also be executed. On these grounds I shall be ready to act on Monday; and my hon. Friend the Under Secretary for the Colonies (Sir George Grey) will propose resolutions of which I will now state the general effect. The noble Lord accordingly stated the course which the Government meant to take on Monday, and placed the resolutions on the table which were ordered to be taken into consideration on that day.

Roxburgh Election.—Adjourned Debate.] On the order of the day being read for resuming the adjourned debate on Sir James Graham's motion for disqualifying Hawick as a polling place,

Mr. Horsman and Mr. Hope rose together. There was a general cry for Mr. Horsman, but Mr. Hope would not give way. After some delay and a few words from the Speaker,

Mr. *Horsman* proceeded : If I have any apology to make to the House for the adjournment of this question last night, I find it in the opportunity which it has afforded to hon. Gentlemen for reconsidering a question with which they were made but imperfectly acquainted by the speech of the right hon. Baronet the Member for Pembroke, a speech, which was grounded on the most exaggerated statements of interested partizans, and yet whose evidence, if fairly represented, was of itself, sufficient to prove, that there was brought before Parliament a case of election disturbance in which the consequences both to person and property were so utterly insignificant as the one we are now discussing; and I cannot conceive how any man of common understanding can pretend to believe, that a mob could be in so inflamed and maddened a state as the one at Hawick is represented to have been, so that even a passenger, going through on the coach, was compelled, as we are told, to put a blue ribband in his button-hole to save his life, and yet not one single calamity of any kind occurred; I am at a loss to conceive how the right hon. Gentleman's friends can suffer themselves to be persuaded that unprotected, and obnoxious voters, could be for twenty minutes and half an hour in the hands of a mob so furious and bloodthirsty as the right hon. Gentleman,—and yet come out of their hands so perfectly uninjured that they were walking about next day as if nothing had happened. The thing contradicts itself—and it is evident, that either these witnesses have grossly exaggerated the temper of the mob, or, what is very unlikely, have very much understated the injuries they themselves received from it. And the right hon. Gentleman's own evidence would have shown this, if he had not always stopped when he came to the most important part—for though he read to us the dreadful threats by which it is pretended that electors were to be deterred from polling, he did not go on to read to us the best commentary, or those threats in the established fact that those very men did poll the next day in the teeth of them,—that after polling they fell into the hands of the mob, were unprotected, and at their mercy for a considerable time, and came out perfectly uninjured.—The hon. Gentleman then went on to say, the right hon. Baronet, indeed, did not confine himself to the evidence, but entered into statements founded upon the information or the gossip of some particular individuals, whose testimony was not given before the Committee. The right hon. Baronet stated that Lord Minto joined the procession of the liberal candidates in its way to the hustings, and appeared at the nomination. That statement was made upon some other authority than that of the evidence given before the Committee. The fact was, that Lord Minto not only did not join the procession to the hustings, but actually went another road in order to avoid the procession. Neither did Lord Minto show himself upon the hustings. There was no ground whatever for the right hon. Baronet's statements upon these points. Then the right hon. Baronet spoke of the extreme violence which had been practised in the case of James Oliver, who was thrown into the water. Now it appeared from Oliver's own evidence, namely from a letter written by him to Mr. Wilson when he returned the clothes which had been lent to him, that he felt only a little stiff, that he had a few slight bruises, but that he had received no serious injury. This showed the nature of the proceeding, and how much any little matter had been exaggerated. He admitted, that there were a few isolated cases of assault, but there was not one of them which was not distinctly traceable to the strongest provocation. The feelings of the people were excited by the constant applications which were made by the Tory party to call in the military, and this in some instances might have led to an appearance of riot; but, in point of fact, no riot nor act of serious violence occurred. Another circumstance that naturally tended much to excite the feelings of the people was the fixing of the polling-booth close to the door of the Tory committee-room. These were things which the people were not likely to submit to quietly, and it was not to be wondered at that there should be some strong manifestation of feeling. There was one statement which the right hon. Gentleman made last night, which he (Mr. Horsman wished to correct, The right hon. Gentleman stated, that the sheriff had declared, that he closed the poll at the request of the friends of Mr. Scott, in consequence of the rioting of the friends of Mr. Elliot rendering it impossible for the polling to go on. There was not a word of that appearing in the evidence. The sheriff-substitute stated distinctly, that he closed the poll because a note was brought to him, informing him that Lord John Scott and Colonel Macdonald were taken by the mob, and were undergoing ill treatment. The sheriff-substitute was asked this question:—"At that time was there considerable confusion and rioting." His reply was, "There was a great deal of noise and confusion," but evaded saying, that there was anything like rioting; and in a subsequent part of his evidence he distinctly stated, that he closed the poll, not on account of the rioting, but on account of the apprehension he was under from the statements brought to him. But what, after all, turned out to be the case; The sheriff-substitute closed the poll, but he immediately discovered that the whole that had been told him was a gross misstatement; that the whole thing was unfounded, and therefore opened the poll again. But what use had been made of this brief adjournment of the poll by the very party that had been asking for it all day? The truth seemed to be, that they asked for the adjournment, having previously determined to make it the ground of a petition to the House of Commons to set aside the election. This was the object of all the notes written to the sheriff-substitute, entreating him to close the poll when there was no necessity. Well, the poll was again opened, and the same system was carried on by Mr. Scott's party. They found these gentlemen coming forward, not as electors, not as private individuals, but as magistrates, and making use of their authority as magistrates to prevent voters from going to the poll, at an election in which they themselves were interested as partisans. To him he confessed, that for gentlemen to make such use of their magisterial authority was a circumstance of so extraordinary and unprecedented a character, that he should like to hear from the noble Lord, the Secretary for the Home Department, what was his opinion on the subject, and what he thought of gentlemen in the commission of the peace coming forward to prevent electors from going to the poll who were willing to do so. The consequence was, that the sheriff, who had hitherto taken no such step, was influenced by this note to send for the military. He thought, that the baillies, on that occasion, exercised a very sound discretion. The result showed, that they did; because when the military came, it was admitted by the witnesses in support of the petition, that they were of no use whatever. In the very note which the sheriff-substitute wrote for the military he stated to the Marquess of Lothian, who was the lord-lieutenant of the county, that there was no rioting going on; for in the answer written by Lord Lothian it was stated, "As you have not stopped the poll, and have stated that there is no rioting, I do not feel justified in marching the troop into Hawick." He wished to call the attention of the House more particularly to the grounds upon which the sheriff proceeded in calling for the militia. Was it on his own information and observation that he did it? No such thing. He put in evidence a letter which he wrote to Lord Lothian, and in which he pointed out what facts were within his own knowledge, and what it was he stated upon hearsay. He described the outrages that had occurred thus:—

"'Mr. Macdonald's coat was almost torn from his back, and an attempt, he says, was made to seize his watch and chain;' that was hearsay; 'which he prevented, and he was repeatedly struck;' that is hearsay. 'Mr. Berwick suffered more severely; his coat and waistcoat were completely torn from his back, and he entered the inn with great difficulty in his trousers and shirt'—the entering the inn is also hearsay—'the latter almost in tatters; he was also repeatedly struck and kicked;' that is hearsay; 'he also missed his pocket-book with 12*l*., but this was afterwards returned by a boy who found it upon the street;' that is also hearsay."

So that the evidence upon which the sheriff-substitute proceeded was the evidence of the very parties who had been sending to him false statements all the day; statements which, when inquired into, were found to be totally groundless. The right hon. Baronet (Sir J. Graham) last night read to the House the testimony of the rev. Angus Barton, who gave before the committee an account of the speech which he professed to have heard addressed by Admiral Elliot to what he (Mr. Barton) called the mob. Who were the mob? Why, the electors; but it pleased this rev. Gentleman to designate them a mob. He would assert, that they were a set of honest, respectable electors. If for the word "mob," therefore, hon. Gentlemen would substitute "electors," everything that had been stated respecting the speech of Admiral Elliot would prove to be most correct, and in perfect accordance with the general practice at all contested elections. It was his political opponents who designated the multitude as a mob. But who was this Mr. Barton—was he a fair and impartial witness? If the House would read his cross-examination, they might be able to judge whether Mr. Barton were a partisan or not. He would read a portion of the evidence of that gentleman. [The hon. Gentleman quoted a portion of his evidence which was contradictory of some of his other assertions.] Here, then, continued the hon. Member, was the admission of this rev. gentleman, that there was no riot at all, and yet, that he did all he could to prevent the voters from going to the poll. Was this the testimony of a fair and impartial witness? On the contrary, were not the very words and actions of this gentleman evidence that he was at that election a violent partisan? From what he had now stated, and which he had taken from the evidence of the right hon. Gentleman's own friends, they had these facts established; and he defied the hon. Gentlemen opposite to contradict any one of them—that the application for closing the poll, and calling in the military, came from Mr. Scott's party; that ninety-eight electors had sent remonstrances to the sheriff, declaring, that they could not poll because they were threatened by the mob; that eighty-four of those electors afterwards did poll without suffering any injury whatever, and that the remaining fourteen electors were deterred or obstructed from voting, not by the mob, but by their own friends: sometimes by Lord John Scott, sometimes by the rev. Mr. Barton, and sometimes by the magistrates; that the precipice down which an elector was thrown was not higher than the man's shoulder; and that the river into which another was thrown did not come up to his knees. The House also had it proved, that the statements and complaints which were constantly sent to the sheriff were false; that, although the military were sent for in consequence of those complaints, yet the parties making them did not avail themselves of the troop when it came: thus proving, that their fears were all a pretence. And it was further proved, that from the moment Colonel Macdonald came into the town, the parties commenced taking down evidence of all that occurred, thereby clearly demonstrating, that their intention at that moment was to petition Parliament against Admiral Elliot's return. That this was the principal object of the present petition, The very remedy which the right hon. Baronet proposed confirmed him in that conclusion; because that right hon. Gentleman was not satisfied with the circumstance, that those persons who were committed had been convicted, and were at this moment in prison; he was not satisfied with the remedy afforded at common law, but he applied for a legislative remedy; and had made an appeal to the House such as had never been made before. The right hon. Gentleman not only proposed, that Hawick should no longer be a polling-place, but he also proposed giving the sheriff the power of naming other polling-places. If this extraordinary remedy was to be resorted to, he wished to know, why the right hon. Baronet should begin with the town of Hawick? Why should not other places have been resorted to? He could revert to many towns which might have been fixed upon for the purpose. He might, for instance, have put the case of the town of Carlisle. An hon. Friend of his had already referred to the election for East Cumberland, on which occasion (as the right hon. Baronet himself bore witness the other day, when speaking at a dinner given to him at Carlisle), the right hon. Gentleman was hunted through the town like a mad dog, and that his favourite son was knocked down and trampled upon. Was Mr. Scott knocked down and trampled upon, or any of his relations? No. And if he had obtained his election, and any of the friends of popular elections had brought forward a petition to set aside the election, in consequence of the outrages that were now complained of, all the stories which they now heard about torn coats and broken windows would have been laughed at by the right hon. Gentleman and those who sat around him. When cases, far worse than the one now attempted to be made out, were produced before the House, they had the authority of those whose authority went farthest with hon. Gentlemen opposite, that although the civil power was utterly inadequate to suppress the tumult, yet the introduction of the military was wholly unjustifiable. But why should the right hon. Gentleman on this occasion come to Hawick? Was it because the people of Scotland, being so little accustomed to popular elections, he imagined that their rights would be more weakly defended than those of an English constituency; and did he, therefore, think, that there would be a greater chance of carrying his motion than if he had brought it forward regarding an English town? But the whole of this business was matter of surprise to those who knew the experience of the right hon. Gentleman in election riots. There was no man who had seen more of election riots than the right hon. Gentleman; and if he might be permitted to say it without offence, there was no one who in his own pious way had contributed to them so much. It was matter of notoriety in the borough which he (Mr. Horsman) had the honour to represent, that the right hon. Gentleman had been found asking the electors what they would say if attempts were made to interfere with the choice of the representatives of the people. He would tell the right hon. Gentleman what the people of Cockermouth would say regarding this very petition. They would say, that it was matter of notoriety in their town, when the right hon. Gentleman himself figured as the advocate of popular rights on the hustings, and being opposed to high and honourable men, who were guilty of no crime excepting that of differing with him in political opinion, he, in Parliamentary language, but carried by him to the utmost limit, and almost trenching upon the sacredness of private life, used to declaim about "recreant Whigs"—about men who, having been rejected by three constituencies, sneaked into Parliament for rotten boroughs. He would repeat, it was matter of notoriety in those parts, that under the exciting influence of the right hon. Gentleman's own harangues, there were more broken heads in one election for an English borough than there had been in all Scotland since Scotland was enfranchised. There was less excuse, therefore, for his bringing forward this motion, because, if it were necessary that a motion should have been brought forward at all, and that he should have preached a sermon upon the subject of riots, it was hardly fair that a small town in Scotland should have been selected for his text. If the law were sufficient to punish riots in the great towns of England, it must be sufficient to punish them in a small town in Scotland. Was there any reason for believing, that the popular feeling should be more uncontrollable in the town of Hawick than in the town of Nottingham? Until the right hon. Gentleman, therefore, should give some better reason than he had yet given, he should maintain, that by acceding to the present motion, the House would not only be adopting a dangerous precedent, but would be acting in a spirit of gross injustice toward the people of Hawick.

Mr. *G. W. Hope* should not have troubled the House on the present occasion if he had not felt himself competent to speak on certain facts which had been greatly relied on and misstated, and to which the hon. Gentleman had given a prominent place in his speech. An hon. Gentleman opposite had made a statement with respect to the conduct of the Duke of Buccleuch towards fifty—he believed that was the number—of his tenants. It appeared from an authentic statement which had been forwarded to him, that the statistics of the place alluded to were as follow:—The number of acres was 558, the total rental about 600*l.*, and the number of tenants not exceeding 100. What were the numbers who had been deprived of their holdings? The average number of removals for the last six years had been under four a-year, the total number in six years being twenty-one; and what was more striking, that was rather less than more, compared with the years preceding the passing of the Reform Bill. The statements which had been made in reference to the conduct of the Duke of Buccleuch he must say were monstrous, and it became those who made them first of all to inquire what authority or ground there was for making them, and he must say, that they came with an ill-grace from the hon. Member (Mr. Elliot) who had the means of getting information. Yet the hon. Member had made those statements the alpha and omega of his speech. He had spoken as if the Duke of Buccleuch wanted to get the right hon. Baronet to apply for this bill to suit his own purposes; but the hon. Gentleman was no stranger to that county, and he dare not assert, that the noble Duke was either an unjust or an oppressive landlord. Did the hon. Gentleman assert that he was? [Mr. *Elliot*: No.] He knew that the hon. Member would not. That did away, then, with the imputation thrown on the noble Duke's character by those allegations. The hon. Gentleman who had assailed the accuracy of the right hon. Baronet, ought to have his own impartiality tested by his own speech. He had selected passages from the evidence which favoured his own views, such as in dealing with the question of robbery, but he had omitted to quote the evidence of Smail and others, which would have rebutted his own arguments. The hon. Gentleman had described the proposition of an oath by the mob to some of the electors as a joke. But such was the nature of their jocularity, that Mr. Pattison, one of the electors, narrowly escaped being murdered. So, in the case of Mr. Berwick, who did not at all enter into the joke. The hon. Member quoted the evidence of Mr. Berwick and Mr. Oliver to show, that both of them had been much maltreated. He should perhaps refer to that statement again, but for the present he thought he had satisfied the House, that the omissions of the right hon. Baronet (Sir J. Graham) with respect to the swearing had not been such as to damage his statement of the case. There was now another point to which he (Mr. Hope) was anxious to draw the attention of the House, and to which perhaps in a somewhat disorderly manner he had endeavoured last night to draw the attention of the hon. and gallant Member for Roxburgh. The passage was in page 133, No. 3,927, and occurred in the evidence of Mr. Rutherford Shiel. The House would remember, that the hon. Member opposite had read a passage from the witness's evidence in order to show, that this person had been prevented from voting by imaginary fears—that he had been merely called after through the streets, and in consequence had not voted. From this it would raise an inference, that all was comparatively quiet; but if the hon. Member had read the question and answer which stood two below where the hon. Member left off, he would have seen, and the House would have learned, this:—"Did you see any clothes torn?—I saw clothes flying in the air when I was returning from the town." The hon. Member opposite wholly omitted this, and turned over to the next page, where he found, but stopped when he came to, this question and answer:—"You were not molested —Some one cried 'a Tory' as I went along the street; there were very few people in the street, they were all away at the polling booth. Now, he thought he had afforded the House proof sufficient, that before the hon. Member had brought a charge against the right hon. Baronet of quoting unfairly, he should have exercised fairness a little more impartially himself. He next came to the point as to Lord John Scott having had good grounds to suppose that violence would be offered to him if he attempted to go to the poll. With regard to this, the hon. Member had said much about partisanship interfering with the accuracy of the witnesses, and had endeavoured to make the House infer that they were not to be believed on their oaths. It was not for him to speak of the characters of the witnesses who had been examined—those witnesses spoke for themselves; but he would not refer to them, but to those witnesses who, not being electors, could not be imbued with the partisanship charged upon others. He alluded to Major Napier's evidence (2,116), and to that of Colonel Macdonald (4,369). He would first refer to the latter, because it explained the evidence of Major Napier. Without troubling the House by reading Colonel Macdonald's evidence at length, he would state its amount. Colonel Macdonald stated, that Bailie Wilson offered Lord J. Scott his protection, and proceeded to take him up to the poll, but notwithstanding this, the mob closed round them the moment they got out; the exertions of the magistrates were unavailing; that Bailie Wilson called out, "Shame! shame!" but was totally unavailing in his efforts. Now for the account given by Major Napier—a person, he apprehended, not of weak nerves. He was asked—

> "Did it appear to you to be a violent mob?—I think I never saw such a mob, though it was a quiet mob, you may say; they appeared to be worked up into a state of frenzy; I never expected Lord J. Scott could have reached the baker's shop in a state of safety from the situation I was placed in."

And yet, on this evidence, it was said that Lord J. Scott had no reason to apprehend danger. Without at all recurring to the events which had taken place at previous elections, he thought that there was sufficient here to show that Lord John Scott had been detained by just fears, and not by puerile and weak apprehensions. So much for the hon. Member's fairness and impartiality in the observations and test he had applied to the right hon. Baronet. As the hon. Member opposite had stated facts, not from the evidence, but founded upon information he said had reached him from others, he would follow that example, and state a few facts which he (Mr. Hope) had derived from competent authorities. The hon. Member had denied boldly and roundly that there had been riots at the election of 1835. [Mr. *Elliot:* 1832.] They began in 1832, and the hon. Member denied that there had been any riots in 1835. Now, seeing the construction the hon. Member put upon the word "riot," and finding that he denied the existence of any riot in 1837, he took it that on the hon. Members own admissions the same circumstances occurred in 1837 as had taken place in 1835. A few facts, however, would enable the House to draw its own inferences, instead of adopting those of the hon. Member. He understood that in 1835, from 2 o'clock on the first day of the poll until the arrival of the military on the next day, no one person could venture out of the inn in which Lord John Scott's voters were detained. It further appeared, though the cases of individual assaults had been stated by the hon. Member to have been slight, that Mr. Purdon died from the effects of the attack made upon him. He supposed the hon. Member would dispose of that case in the summary and wholesale way in which he had dealt with the attack upon Lord John Scott, when the bulldog was set upon him and his clothes torn—an attack for which the hon. Member stated the justification to be, that Lord John Scott's servant had assaulted the people. He totally and entirely denied that the servant had made any assault or attack upon the people. On the whole, such was the state of the town of Hawick in 1835, and at the last election, as in his opinion to constitute a riot. But considerable importance had been attached to the circumstance of the sending for the military, a circumstance which the hon. Member had treated as an excuse for the disturbances, and the hon. Member for Cockermouth had quoted a long correspondence to show, that all the assaults had arisen from ninety-five electors having had the audacity to claim the protection of the military at the last election. It was said, that they had been sent for to get up a story of a riot, Why, Lord John Scott was returned, and the story of a riot would have gone to avoid the election, and therefore the bringing the military there told exactly in the contrary way, to that for which hon. Members opposite had contended. But it surely was not necessary for him to attempt to meet the assumption that the Lord-Lieutenant, the sheriff, and all the functionaries, had engaged in a deep-laid plot, beginning in 1835, to lay the foundation, election after election, to secure the attendance of the military, and thus influence the return. To suppose such could be the case was an absurdity with which he did not think it necessary to deal. The hon. member opposite had stated, that the attacks had been confined to assaults upon non-resident voters; but what was the fact? Why, that the majority of persons assaulted were persons resident in, and within seven miles of, the town of Hawick—they were the objects of daily attack and intimidation. Again, the hon. Member had said, that the attacks had been merely to punish men who had changed their opinions, and voted accordingly. The hon. Member desired to preserve freedom of election, but was it freedom of election if a man might not vote as he pleased—or if he did, that he should be the object of assault and attack? With respect to a change of opinion, that was free to every man, and no man ought to be punished for so doing. As to the observations made upon the right hon. Baronet, he would only say he should be proud to deserve such observations applied to himself. But how stood the facts? The hon. Member had selected instances of assaults for a change of opinion, but he forgot to refer to cases where there had been no change of opinion—cases in which the cause of attack was not left to inference, but where it was distinctly stated that the votes they had given were the cause of the treatment they received. He would supply the omission. There was the case of Mr. Berwick, who was mistaken for Donald Vaughan, a person it would seem who might be treated in any way. One point had been very much laboured at on the other side—namely, the depth and breadth of the water, and the precise height of the precipice down which the voters were thrown. Was it necessary to discuss that point? Was it to be borne that electors should be stripped, taken naked through the streets, and cast down any precipice into any water, and then excuse the act by saying the precipice was not so high as to kill, or the water deep enough to drown? On the question as to riot or no riot, he took the opinions of other authorities in preference to the hon. Member opposite, who might be regarded rather as a witness in his own case, and he would place against the hon. Member's opinion, that of the learned judges by whom the rioters had been tried, and the resolution, declaratory of an extensive riot having taken place, of the Committee itself by which this election petition had been tried Despite the charges which had been made upon the magistrates who had had the audacity, as it had been called, to prevent people going into the street when they saw their lives were in danger, he would only say they had done no more than their duty. With respect to the conduct of the magistrates in the hon. Member's own interest, he should content himself by referring only to one statement, which the right hon. Baronet had omitted to mention—a statement which alone was sufficient to convict them of misconduct. Those magistrates had insisted upon the complete control of the town, and refused to divide the responsibility of maintaining the peace with the county magistrates. They took the whole charge upon themselves, and what had been their conduct? Why, Bailie Goodfellow, it appeared, had soothed down the mob by the promise of another day for the exercise of their riotous proceedings. Such had been the conduct of this Hawick magistrate, who took upon himself the ungracious office of refusing the assistance of the county magistrates. Was such conduct ever heard of—did it not deserve the severest reprehension. Such conduct, he must say, deserved the severest reprehension. The hon. Member for the county of Roxburgh, and the hon. Member for Cockermouth, had rested their case on an application for the military, signed previous to the election by ninety-five electors. The hon. Members had both treated this application as sufficient to justify the conduct of the inhabitants of Hawick. They said, that it showed a want of confidence in the mob, and therefore that the mob was fully justified in testifying their displeasure in the manner in which it had been evinced. Really this proposition was so new and singular in its nature, that he would not trouble the House with any observations upon it. The hon. Member for Cockermouth dwelt at a great length upon a point which he believed that no one in that House would be ready to dispute—namely that the introduction of the military, with a view to influence an election, was unconstitutional. He had also quoted high authorities, very unnecessarily, to show that the unnecessary introduction of troops, when their presence was not required to preserve the public peace, was greatly to be condemned. But what was the position taken up by the hon. Member? He contended, not that there had been an introduction of the military with a view to influence the election—not that they had been actually introduced into the town, but that if the military were asked for, it justified a riot. The statement of the bailies was, that the troops had originally been stationed at a distance of twenty miles from Hawick, and the House would observe that it was the original introduction of the military into the county which had been objected to. They were brought at the close of the first day's poll within three miles of Hawick, and the hon. Member justified the riots which had occurred on the first day on the anticipated presence of the military on the second.

Mr. *Elliot* observed, that the troops were not brought near Hawick till the close of the second day's poll.

G. W. Hope said, that that made his case the strongest, and only proved more completely how futile was the excuse. The hon. Gentleman in the course of his speech had passed over in a cursory manner the events of the first day, and had applied himself to the events of the second. He did not analyze every hour and minute of the first day, but he proceeded to prove, that on the second, there were 300 constables stationed within six yards of the polling-booth, and that his noble brother and other Members of his family gave every countenance to the arrangements that were made, that there should be no possible obstruction to the voters. Now, he would ask, if the services of the hon. Member and his family were of so much importance the second day, how came it to pass, that they did not make their appearance till a quarter to four o'clock on the afternoon of the first day's poll? The hon. Member took great credit to himself and to the other members of his family for quelling the riots; but if they had the power of putting an end to them, and were not there on the first day, when they could have been there, what was to be inferred from their absence? Why, the inference which had been drawn by the learned counsel for the petitioners in the Roxburgh case was " gross as a mountain open, palpable"—that the work having been accomplished on the first day, and the Conservative voters having been sufficiently intimidated, there was no necessity for further violence. The solution was so simple and so obvious, that he perceived hon. Gentlemen opposite quite concurred in it. Now a word with respect to the promised protection of the baillies. He would ask hon. Gentlemen opposite whether it was likely, that Lord J. Scott, having experienced the day before of how little avail the protection promised him by Bailie Wilson was—was it, he asked, to be supposed, that having been once attacked and nearly killed, for Major Napier said, that he never expected to see him come out alive, Lord J. Scott would incur a similar danger on a similar guarantee? It seemed difficult to understand why the protection which failed on the first day should be sufficient on the second. Certainly, if he had been in the situation of Lord John Scott, when under the protection of the bailie, before he had proceeded three yards from the coach, driven by the mob in a different direction, and glad to reach in safety a baker's shop, instead of the inn whither he proposed to go, he should have said, that the protection afforded him on the first day had failed. The hon. Member had referred particularly to the evidence of Mr. Barton, with the view of showing, that because Mr. Barton had persuaded some of his parishioners, most of them, he would observe, very old men, not to go to the poll, he was not to be believed on his oath. This inference was sought to be drawn in order to discredit the account which that rev. Gentleman had given of Admiral Elliott's speech. But even if the alteration were adopted which the hon. Gentleman opposite wished, it would make no difference. There was another very singular ground of provocation which had been alleged, and that was the partial position of the polling-place. Now, in what did this partiality consist? In the polling-place being a little easier of access from the Conservative inn, or rather, in the distance being a little shorter from that inn than the other. Now, was it competent to hon. Members opposite to come to that House and complain, theirs being the dominant party in the town, the bailies being on their side, and every one of their voters sure of safety, that there was a partial distribution of the polling-places, because the Conservative voters had a possibility of access to one of them? This excuse was, if possible, more hollow than the others which had been put forward. It was not his intention or wish to go into the conduct of the hon. Member's family with a view to censure the past, but in one point of view—that of reference to the future—their conduct was very important. Admitting, that riots had taken place, he apprehended, that it was possible, that they might not occur again. But one of the first indications of the likelihood of their non-recurrence would be, that persons of high station in the county should take such a tone and hold such language as would rather check than encourage their repetition. But what had the hon. Member and his family said throughout? They had contended, that there had been nothing improper in the conduct of the people of Hawick. They had denied it over and over again, and although at a distance, they no doubt with great sincerity deplored the excesses which had been committed; yet on the spot they asserted, that they were mere election riots, told the mob, that they had received great provocation, and that it was no wonder, that they did what they did. Now was it to be expected, under such circumstances, that the riots would not occur again? Then, at a dinner given to the hon. John Elliott, on the 20th of October, by the bailies of Hawick, that gentleman, in proposing as a toast " the non-electors of the county of Roxburgh," said " We have heard much of the riots at Hawick, but they were mere common election riots, and whatever did occur has been greatly exaggerated." [*Hear!*] The hon. Member cheered, but the fact of the riots was admitted. On the same occasion Lord Melgund proposed the health of the bailies at Hawick, and eulogised the able manner in which they had preserved the peace of the town; and he maintained, that no attempt had been made to break the peace, notwithstanding the few torn clothes and duckings that had taken place. Now, when such language as this was held by the leaders and chiefs of that party in the county, could it be expected, that the riots would not occur again, or, that the magistrates of Hawick would exert themselves to repress it, after being thanked for their able conduct in the preservation of the peace? It had been said, that it would be unjust to deprive Hawick of being a polling-place rather than Birmingham for mere election riots. But he denied, that the outrages committed at Hawick were mere election riots. In England he had often heard of Conservative voters being prevented from going to the poll, but here the voters were maltreated after it, so, that there was certainly some ground for the declaration which had been so skilfully drawn up, that the votes could be taken. The hon. Member said, that the mob was a quiet mob, but, that it was worked up to a state of frenzy. But what said Major Napier? He said, that he never saw such a mob in his life, and, that it was perfectly manageable, and obeyed implicitly the directions of its leaders. There was another singular circumstance in this election, which had reference to the constables. In the whole course of the proceedings, though upwards of thirty Conservative voters were maltreated, not one of them received the assistance of any constable, and only one person was apprehended, and, that not by a town, but a county constable, who, for breaking the understanding which seemed to prevail among the constables, was treated like the voters, and thrown into the river. The hon. Gentleman opposite appeared to doubt the fact, but he would refer him to the question and answer numbered 3,664. The hon. Gentleman had stated, that the object of this motion was to make the House the factor of the Duke of Buccleuch. The hon. Member disclaimed that statement, and he was glad of it, but he certainly said, that its object was to punish the electors of Hawick because they were independent, and to take away their independence. Now he wanted to know how their independence could be injured by allowing voters who did not live in Hawick to poll elsewhere. How the hon. Member made it out, that that struck at their independence, he could not discover. He would now release the House from the trouble of hearing him. He would only make one general observation, and he did this from his own knowledge, it was this, —Questions of this kind, as to the security and possibility of going with safety to the polling-place at Hawick, must depend upon general report. It was asked on the other side had these things been proved, how were the circumstances known? And the hon. Gentleman (Mr. Elliot) had blamed the sheriff for proceeding on hearsay evidence, because he had presumed on the possibility of there being a riot, although he had not actually seen anybody knocked down. But this he would say, that there was a general impression throughout that district of the country, and that part of Scotland, from these violent and disgraceful outrages, that no man without fear and terror could go to the polling station at Hawick. Unless the Legislature, therefore, wished to encourage such proceedings the only course to be adopted was the motion of his right hon. Friends.

Mr. *Elliott* would offer one word in explanation. He thought in the observations which he had addressed to the House, that he had taken the greatest care to exclude the possibility of its being attributed to him, that he had said that which had been asserted he had said in reference to his grace the Duke of Buccleuch. He thought he had particularly guarded against it; but if he had not done so, he must have expressed himself in a manner which he did not intend. He would ask the House, however, if he did not say, that he did not believe the things which were alleged against the noble Duke. As the hon. Member had asked him a question with regard to the absence of the Earl of Minto and himself from the town of Hawick on the day of the polling, he would answer it, and his answer was this—that the noble Earl had been willing to give his assistance to the bailies in keeping the peace, but he felt that his situation was such as to make him too ready a mark for the misrepresentations of his opponents, and on that account he abstained from interfering. With reference to the absence of his family from the town, he would say, that in consequence of what had before occurred it was made the subject of a specific complaint against his brother, that he had been present at the election during the whole of the first day, and he had been compelled in answer to that charge actually to deny, that he was there. For his own part he could only express his sorrow, that he was not present, but his absence was necessary in a distant part of the county.

Mr. *R. C. Fergusson* felt himself called upon to make a few observations on this subject; and he must, in the outset, observe that the right hon. Baronet, in the statement which he had made to the House, had divided the subject into two heads. The first was, the limiting of the power of the magistrates in the town; and the second was, the conduct of the noble Lord in accepting the office of chairman of the committee. Now, if the House would attend to the documents which he proposed to read, he thought it would appear, that the course adopted by the learned Lord was that which alone it was in his power to take in pursuance of his duty. It appeared, that there was a meeting in the July previous to the election, between Mr. Rutherford, the sheriff, and the magistrates. Mr. Rutherford was not a great friend to the party which ultimately succeeded at the election, and he was not favourable to the candidate who was returned or his family. At the meeting a letter was agreed to, to be sent to the Lord-Advocate in reference to this subject, and which had been already alluded to. [The right hon. Gentleman read the letter and also the answer of the Lord-Advocate, which was to the effect, that the proper steps to secure the maintenance of the public peace must be taken by the local magistrates.] It was clear, that it appeared to the learned Lord, as it also appeared to the sheriff himself, and to the justices, that this course was the best, and therefore the learned Lord had acted with full propriety. Then, the second objection was, that the learned Lord had acted as chairman of the committee; but he did not think, that this subject was material, and in expressing this opinion he must say, that he thought, that a great deal of matter had been introduced into the debate which was quite irrelevant. The Lord-Advocate, took the chair of the committee, but under what circumstances. The learned Lord was a Member of this House, and was bound to attend the ballot for the committee, and to answer to his name in the event of his being called; and if those of the opposite party had that good opinion of him, which, indeed they had good reason to have, and believed him to be, as he was, a man of honesty and integrity, why should they strike him off the list; and why should he not be allowed to be a member of the committee. He did not see any reason which could affect a person of his station, and prevent him, from being a member of that committee. Now the next question was, should he have refused to accept the office of chairman of the committee? It appeared to him, that it would have been an insult, and it would have involved a want of respect to the committee, as well as to the House, if he had declined to accept that situation; and it would have been condemning himself, and holding himself up to the detestation of the people of this country, if he had done so, and he would in effect have admitted, that he had been guilty of the acts alleged against him. The right hon. Baronet opposite, in the statement which he had made to the House, had fallen into some errors, but he must say, that he was in general most accurate; but he believed, that in permitting himself to fall into these inaccuracies, he had done what was not unusual in an advocate, and he would observe, that the right hon. Baronet had taken upon himself to act very much in that character, a fault which was but too common with hon. Gentlemen, on both sides of the House. There was an eagerness in the right hon. Baronet, however, which was peculiarly observable, and he had stated, that the committee, in the decision which they delivered in this case, had come to a wrong conclusion, and contended, that it was most extraordinary, that they would not receive evidence of acts antecedent to the polling, and of cousultations which exhibited a predetermination, to pursue the course ultimately adopted at the election. But if the committee had done what was suggested, they would have done, that which they were not only not called on to do, but which was beside the question at issue. The facts for them to inquire into, were the circumstances which occurred at the election, and it was for them to decide whether the election was void or not. Supposing there had been 100 plots at work before the election, would it be contended, that they must all be inquired into? Supposing, that what was alleged was true, could it be said, that it was a subject of a nature to be inquired into by the committee? It was those things which had been done at the election, the fact of whether the polling had been obstructed, and whether the electors had been intimidated by the violence of the mob, which they were to inquire into, and decide upon, and it could not be contended for one moment, that it was of the least importance how those acts originated, or what gave rise to the tearing off the shirt of one voter, or the ducking of another. All he could say was, if those acts had been committed as it was alleged, the parties had been guilty of a most gross conspiracy. But these matters were not to be investigated by the committee, because, if they were, it might be as well contended, that the inquiry should have extended back to the elections of 1832, or 1835. It was said, that it was the duty of the committee to inquire into all the beatings which had been given to the voters, and the duckings after the polling had taken place; but he contended, that all these things had nothing to do with it, and it was to the intimidation of the voters alone that they must look, in order to see whether they were obstructed in going to the poll. It was said, too, that Lord John Scott himself was intimidated; but on this point he was prepared to contend also, that a wrong conclusion had been arrived at. The case chiefly alluded to, was that of a voter who admitted that he was a nervous man, and was deterred from going to the poll in consequence of the mob; now, this person would not have gone to any election on the same grounds, and would be equally deterred at the Mary-le-bone election as at that at Hawick. As for the attack on Lord John Scott, it appeared to him, that the evidence of Major Napier was altogether inferential. He said, that the arms of the mob were down by their sides, the crowd was so great; and presently afterwards he said, that one of them took up a handful of mud and threw it at a person standing next to Lord John Scott. That noble Lord in his evidence also said, that he got from the mail coach through the midst of the mob into a baker's shop; and that afterwards a lane was made through the mob for him to proceed to his lodging. He denied, that there was any evidence to show, that Lord John was prevented voting, in consequence of any intimidation. In his cross-examination, that noble Lord was asked—"I ask you if, during the whole of that time, you do not know, that dozens of voters were going up and voting for Mr Scott? I dare say there were dozens, 24.—I ask you whether there were not dozens? I know that there were voters going up to the poll from time to time; I do not know how many.—Were those people going from the Tower Inn to the poll? I believe they were." Those who were desirous to make a case for a committee would be anxious that the riots should go on; but Mr. Elliot and his friends must surely have been anxious, that the poll should not be impeded, as he had a clear majority of voters in Hawick, and he was at the head of the poll. The right hon. Baronet evidently wished the House, to believe, that Lord Minto was at Hawick during the election, and taking an active part in it. This ground, however, having failed him and his friends, another hon. Gentleman opposite complained, that that noble Lord did not arrive in that town until the polling was over; and it was asked why he did not come sooner and appease the tumult, and prevent the assaults which were committed on the opposite party. The object undoubtedly was, to hold Lord Minto up to the public as a cabinet Minister who had acted in a manner unworthy of his situation, and that attempt had completely failed. It was said, that Lord Minto addressed the mob, and it should be recollected, that the assembly was called the mob, not by the witnesses, but by those who put the questions. It was, however, admitted that nobody heard what that noble Lord said. It was also asserted, that Admiral Elliot addressed this assembly which was designated the mob. His right hon. Friend had stood many contested elections, and had no doubt addressed the assembly congregated in front of the hustings, which was composed as well of electors as non-electors; and in the tide of his success, when he was the popular candidate, he had invited them to attend the poll on the following day; he did not stop to discriminate between the electors and non-electors in his invitation; and why therefore, should he blame the gallant Admiral for having invited the electors and others to attend the poll the next day. He had often wished, that he could state a case so forcibly as his right hon. Friend, but at the same time he had always been anxious to keep within limits, and not go beyond those facts which he could support by evidence. But what did the charge against Lord Minto amount to? Mr. Pott, one of the witnesses, and the agent for Mr. Scott, said that it was owing to the presence and address of Lord Minto, that the peace of the town was preserved. He was asked, "Have you any doubt, that advantage was derived from the attendance of Lord Minto in appeasing the people? Sir?—Lord Minto attended at the inn in Hawick? Yes; I saw him there on the second day.—Have you any doubt, that his interference was useful in appeasing the crowd? I certainly understood it was owing to Lord Minto that we had peace restored in the town." He was sure that his right hon. Friend would have stated this if he had seen it in evidence, and would have admitted, that the noble Lord, deserved credit for the manner in which he appeased this angry crowd. The only point of the case, however, was whether the House of Commons was justified in adopting this species of disfranchisement, by removing the polling place from Hawick. Certainly no case had been made out to sustain the motion of the right hon Gentleman. He thought, that the riots were disgraceful, and they had most properly been brought under the cognizance of the Court of Justiciary, and they richly deserved all the punishment, that had been bestowed on those who had been guilty of them. This, however, was a matter for law and justice, and it was not for the House on that account, to proceed to punish this place, by removing the polling place. If they looked at the injuries inflicted at a popular election, there was not one where excitement prevailed, where greater injuries did not prevail than occurred at Hawick. There were several places where murders had been committed. What took place at Wakefield, where lives were lost. This was also the case in other places; they would find more atrocious acts elsewhere, but he admitted not more blameable conduct, for indignities such as those inflicted at Hawick left a most bitter sting. No attempt had been made to remove the polling places from either Nottingham, Wakefield, Carlisle, or other places where riots at elections had occurred—nothing of the kind had been done until this case came into the hands of the right hon. Baronet, and indeed he believed, that it was never dreamt of, till the present motion was proposed. The law was strong enough to put down these disturbances. Those who had been guilty of them had been punished in such a way as he hoped would deter them from being guilty of similar conduct for the future. He trusted, in the observations that he had made, he had abstained from making offensive personal allusions, and he also hoped, that the right hon. Baronet would not have more than a very small minority to support his motion.

Sir *G. Clerk* expressed his great satisfaction at the concluding remarks of the right hon. Gentleman (Mr. C. Fergusson), who was an exception to the party who had spoken at his (the Ministerial) side of the House, and had not attempted to palliate the atrocities committed at Hawick. It was impossible that a Gentleman possessing so much uprightness of mind could have arrayed on his side a series of fallacies to induce the House to turn into ridicule and jest, crimes that would disgrace any civilized nation. He thought, however, that the justification of the election committee was uncalled for, as their decision was not at all impugned by any remarks that had fallen from the right hon. Baronet (the Member for Pembroke). The facts to be considered were, that a grievous obstruction to voters took place at Hawick, and gross atrocity had been committed. It was not a sudden ebullition—it was not an accidental collision between parties, but a preconcerted conspiracy on one side. The opposing party had given no provocation—they did not display banners—they offered no indignity—but they were treated by the mob with the most gross cowardice and brutality. These were not novel crimes in Hawick. In 1832 similar outrages were committed, and in 1835 the mob, encouraged by impunity, repeated their offences. On that occasion the sheriff felt himself bound to read the Riot Act after various acts of violence had been perpetrated; and how was he treated? He was seized by the mob and made a "cock-shy" in the church-yard, where several stones were thrown at him. [*laughter*]. Hon. Members may laugh; the hon. Member for Roxburghshire treated the affair with ridicule last night, but the right hon. the Lord Advocate did not think it a venial offence to have snow-balls thrown at parties of rather small station in life. Last winter some lads of the college of Edinburgh commenced snow-balling the passers-by—they never thought of making a cock-shy of the Lord Provost—when the local magistrates were requested to send immediately for the troops. Hon.

Gentlemen opposite condemned the introduction of the military even when a riot occurs, but on this occasion the troops were brought out to check the snow-balling propensity of these young men. Subsequently the Lord Advocate instituted a Crown prosecution against the youths, deputy advocates were brought into requisition, but the entire affair, notwithstanding its pomp, only excited the contempt and scorn of the people of Edinburgh. If the hon. Member for Roxburghshire make light of the treatment and indignity inflicted on the sheriff by the mob, what must he think of this snowball prosecution by the Crown? He did not wish to impute any blame to the magistrates or constabulary of Hawick, but how great must have been the violence of the mob when all the efforts of the local authorities to check it had failed? The outrages inflicted at Hawick on Conservative voters had been designated by the high Court of Justiciary, as most disgraceful and unprovoked. The Conservatives wished to give their votes quietly, and requested the indulgence of being allowed to retreat by the passage they had entered; but this was refused, and the consequence was, that they were treated with the greatest indignity. The Conservatives of that neighbourhood had hitherto conducted themselves peaceably, and with good temper, but sturdy and independent yeomen are not likely again to submit passively to a repetition of such violence. The right hon. Gentleman (Mr. C. Fergusson) had said that there was no precedent for changing polling places. He was in error, for by the Reform Act such change could take place on the recommendation of the magistrates at the quarter sessions. It had been attempted to show that the proceedings at Hawick, at the last election, were nothing but common election riots, similar to those which were of common occurrence in England, and the case of Westminster had been particularly cited. But did they ever hear that even in Westminster the polling booths had been beset by an infuriated populace, that the mob had stripped the electors of their clothes, driven them through the streets in that state, and plunged them afterwards into the adjoining river? The right hon. the President of the Board of Control might recollect when the mud-bespattered Whigs were pelted through the streets of Westminster, but could the right hon. Gentleman show any proceedings in Westminster similar or at all to be compared in respect to violence with what took place at Hawick. Nay, more, he would ask any hon. Gentleman present whether at any election in England they had ever seen or heard of anything so coldblooded and brutal as the proceedings at Hawick. That was the question which the House had to consider, and if no similar proceedings had taken place in any other instance, and if it could be shown, as it had been, that those proceedings were systematic and continued from election to election, surely it became necessary to provide a remedy for an evil of such great and growing magnitude. The course which had been pursued at Hawick was without a remedy if the Legislature did not interfere. That was a fact which had been admitted by the right hon. the Judge Advocate. That right hon. Gentleman had contended that there had been no ill-usage of the electors previous to polling, and that any violence to which they were subjected after having polled could not invalidate the election. Now the people of Hawick seemed to have been aware of this state of the law, and to have acted upon that knowledge, and the House could not fail to perceive that there was a strong coincidence between the opinion of the right hon. and learned Gentleman opposite and the conduct of the people at Hawick. It was said that there was no obstruction in the way of the electors going to the poll, and much ingenuity had been exerted to obtain evidence to that effect. The hon. Member for Roxburgh, went to the sheriff, and endeavoured to obtain from him a certificate to the effect that there had been no obstruction in the way of the electors coming to the poll; and from the evidence it was clear that the hon. Member was very particular as to the terms in which that certificate should be couched. And what did he obtain from the sheriff? Not all he wished; but the certificate was sufficient for his purpose, as it testified that, according to the law, as laid down by the right hon. and learned Gentleman opposite, the proceedings had not been such as to destroy the validity of the return. The people seemed to be aware that, if they committed no violence before the electors polled, they might afterwards strip them naked and drag them through the town without invalidating the election. But did not such proceedings have the effect of intimidating others from going to the poll; and were not the people aware of that fact? Was it not their object to intimidate the electors from coming to the poll by the violence which they exhibited to those who had polled? Such certainly appeared to have been their aim, and they succeeded in their object. But what did all that prove? Why it clearly showed that the riots at Hawick were not mere popular ebullitions, but that the proceedings were premeditated, and that they were regulated so as to be restrained within the limits of the law, but so as to produce sufficient intimidation to prevent the electors from going to the poll. After their votes were given, then the electors were assailed, and the effect of that proceeding was to prevent others from polling. A great deal had been said in regard to those Gentlemen who had been confined in the Tower-inn, and it had been asserted, that their remaining there, was merely a pretext to obtain the presence of the military. The hon. Member for Cockermouth said, that there had been riots at Carlisle, and that the military had been called in, and that, notwithstanding such had been the case, no attempt had ever been made to remove the polling booth from Carlisle. But there was no comparison between the cases. Carlisle was a garrison town, and large bodies of troops were always stationed there. There were no troops in Hawick, nor had any been introduced during the days of polling. It was true that on the second day after the polling Lord Lothian, on hearing that there were a number of gentleman confined to the Tower inn, who were in danger of their lives, marched the troops into Hawick, but there were no soldiers in that place during the election. Even when they did enter on the second day they only remained for a short time, for, on a representation made to their commander, they were withdrawn beyond the limits of the town. But to show what was the state of Hawick even at that time he need only state, that while the military were drawn up in front of the Tower inn one gentleman, the rev. Mr. Burton, attempted to escape, when his carriage, even in the presence of the military, was violently attacked. It was also said, that it was a mere pretext in stating that Lord John Scott was in danger. But such was undoubtedly the fact, although the military remained out of the town till Lord John Scott reported to Lord Lothian that all the electors had left the Tower, and that he himself was the only person remaining in the inn. That statement of Lord John Scott, was, however, a mistaken one, for Colonel M'Donald and his son still remained, because there was no possibility of obtaining any sort of conveyance. Their intention was, to have gone by the mail coach, but what did the landlord say in regard to such a proposal? He said that every evening when the mail arrived, there were persons in waiting to see who departed with the coach, and stated it as his firm conviction, that if the Colonel and his son attempted to leave at that hour in the morning, their lives would be in danger. He further said, that he would endeavour to procure a conveyance for him at night, and at eight o'clock a carriage was accordingly procured, in which the Colonel and his son left the town. Before leaving, the Colonel was asked to take with him a person who had been threatened, in order to afford him protection. That person was accordingly laid in the bottom of the coach, which then drove off. Now he would ask, after these circumstances had been stated, whether there was not good ground for alarm. They were told, also, that the proposed remedy was also a mere pretext, and that the elector Maconochie not only voted, but returned to the inn after voting without molestation. But what were the circumstances under which that elector voted? He was the intimate Friend of Admiral Elliot, and the post-boy who drove him into the town wore the colours of the Elliot party, and it was under the protection of Admiral Elliot, that he was enabled to vote and to reach the Tower inn in safety. He had purposely avoided saying anything which might be offensive to any of the parties concerned in those transactions, but he could not help regretting, that Lord Minto did not refrain from taking any part in the proceedings. It was unnecessary for him to have done so as a magistrate, and he was sure that the noble Lord would look back with regret, that he should have been at all mixed up in the matter. If such conduct had been manifested by a Tory First Lord of the Admiralty, he knew with what shouts the description of that conduct would have been greeted. He had endeavoured to show the continuity of the riots in Hawick, from 1832 to 1837, and he felt persuaded, that the only remedy for such a state of things was a legislative one. He, therefore, called upon the House to apply that remedy, and to substitute some other place for Hawick as a polling place for the Roxburgh elections. By such a course no one was deprived of the elective franchise, and they would enable the electors of all parties to exercise that privilege which had been conferred upon them. As the law stood there was no remedy for such proceedings as had taken place at Hawick. That such was the fact had been admitted by the Judge-Advocate, who recommended the infliction of a more severe punishment than had been awarded to those who had been engaged in the riots of Hawick as the only remedy for the evil. But their object was to prevent the necessity of punishment, and to afford protection to the people. The sole object of the bill was, to alter the polling places, and he did trust that Parliament would not hesitate to apply that remedy to so great and growing an evil.

The *Lord Advocate* could not address the House on the present occasion, without expressing the sense he entertained of the kindness the right hon. Gentleman had manifested towards him, both in the manner in which he had alluded to him in the course of his speech, and in bringing forward every charge that could by possibility be brought against him. For, standing in the situation in which he did, he must feel grateful for the kind and courteous language of the right hon. Gentleman. He should be sorry if any part of his conduct in regard to this business, did not undergo, in this House, the most rigid examination, if, in any respect, it had been such as to deserve their reprobation. He stood here, however, without the slightest consciousness of having, throughout these proceedings, been actuated by any feeling but that of a desire to preserve the peace of the country, and that this should be done by constitutional means. The right hon. Gentleman had suggested—which he was kindly pleased to say he did with much pain—that possibly be had been actuated by party feelings, in his reply to the requisition. He desired that the whole of that document might be read. Though it was written at a moment when he could not foresee the events which had since taken place, if there was one syllable in it from which that conclusion could be drawn, he should feel himself indebted to the right hon. Gentleman for bringing it under their notice, and exposing conduct which would certainly have been wrong in a public officer. It was the duty of the right hon. Gentleman, under such circumstances, to bring the subject forward; and he repeated, that he felt grateful to him for having done so, being conscious that he should be able to free himself altogether from the charge. He would ask, what was the nature of the requisition to which the right hon. Gentleman had alluded, and of the answer, which, he said, showed the feelings, or somewhat of the feelings, of a partisan? He received, so late as the 26th of July, immediately before the election, a letter from Mr. William Oliver Rutherford, the sheriff of Roxburghshire, inclosing an application from ninety-five electors, a number of whom were justices of the peace. Now, might he be permitted to observe, that if these were all the reasons which they were stated to apprehend from what had taken place at former elections, and still more from the state of the country at the time, that there was danger of the peace being violated, it was, unquestionably, the duty of the sheriff both to have apprised him of the fact, so that a military force might be supplied, if necessary, and himself to have taken measures to preserve the tranquillity of the county by means of the civil force. What was the nature of the application? Was it not an application for the presence of the military alone? Was not that the sole way in which it was proposed, both by the application of the electors, and the recommendation of the sheriff, to preserve the peace. The House should bear in mind, that the ninety-five electors, who made the application, belonged to a party in the county. The sheriff was entitled alone to state, if he saw the least reason for doing so, that the assistance of the military was necessary to the preservation of tranquillity; but instead of adopting that course, he made himself the channel of an application from those ninety-five persons, who, being electors, and belonging to a party in the county, declared, that it was the presence of the military that they required. What were the terms they used? Referring to themselves, and to their neighbours, they said,

"There is a great probability of injury being done to property, unless more efficient protection is provided than it is possible for the civil force of the district to command. In these circumstances, the memorialists would earnestly crave your Lordship to obtain the assistance of a military force, in addition to the ordinary police of the district, the presence of which, the memorialists confidently believe, would have the effect of repressing violence, protecting property, and of enabling the memorialists, and their fellow-electors, to exercise their franchise according to their consciences, untrammelled by threats and acts of violence, and in possession of that freedom of action, the enjoyment of which is the privilege of every elector."

What was it that they desired? The presence of military in the county. He was again asked by the sheriff to concur in the propriety of having military at Denholm, between the two polling places of Jedburgh and Hawick. He asked whether that was an application which he, in the discharge of his duty, ought to have implicitly yielded to; yet if he had done wrong, if he had acted from party feeling, it was because (according to the statement of the right hon. Gentleman) he did not immediately agree to the requisition sent to him demanding the presence of the military [" *No, no!*" from Sir J. Graham.] It was not? Then in what respect had he been wrong? In what respect had he been guilty of partiality? How had he displayed his party feeling? Let his conduct be thoroughly examined; let every word he had said or written upon the occasion be narrowly scanned; and then let any man say in what respect he had been wrong. What did he do upon the receipt of the requisition? In the first place, he asked the requisitionists, "Upon what ground do you make these statements?" And next, "What is the state of the civil force in the district; and what means have been used by the sheriff and the magistracy to render it effective?" Holding the situation that he did, was there any impropriety in his putting those questions to the sheriff? On the contrary, was it not very extraordinary that the sheriff, in applying for the presence of a military force, should have given him no information upon those points? Was it inconsistent with the sheriff's duty, or with the duty of the magistrates, that they should give him the fullest information as to the extent and strength of the civil force before they required him to sanction the presence of the military? But they did not do so, and therefore it was, that he demanded answers from them upon that point, before he gave a positive reply to their requisition. Was there anything blameable in that? Yet, if he understood his right hon. Friend's statement correctly, it was that part of his (the Lord Advocate's) conduct which, he thought, indicated the influence of partiality and party feeling. Upon the receipt of the requisition he (the Lord Advocate) wrote to the sheriff in these terms, expressing a wish to know whether he (the sheriff) had had any communication with the magistrates of Hawick upon the subject, and whether they were also of opinion that it would be necessary to have a military force to preserve the peace of the town? And he further requested that the sheriff would immediately communicate with him upon the subject, and report what measures had been taken to preserve the peace. Was there anything of party feeling in that? Was it not of the utmost importance that he should be in possession of the opinion of the local magistrates before he consented to introduce the military? Yet it was because he had directed the sheriff to obtain information from the magistrates of Hawick that he was arraigned by his right hon. Friend. He had no doubt his right hon. Friend, who had employed so many kind expressions towards him (the Lord Advocate), acted from a strict sense of duty when he brought it forward as a charge against him, that he had acted from party feeling when he desired to be made acquainted with the views and opinions of the local magistrates. But if that were party conduct—if that were partiality in a person at the head of the law, it was a partiality which he now declared it was his intention to be guilty of at every future election. At the application of a sheriff, founded upon the representations of certain persons who said that they looked upon the presence of the military for the preservation of tranquillity, he should never be deterred from requesting the sheriff to perform that part of his duty which consisted in ascertaining through the best channels of information, namely, the local authorities, what was the state of the country, and what the extent and character of the means which might be employed to preserve the peace of the district. Yet that was what he understood to be the ground of charge against him. If there were any other ground it must be in some subsequent part of the correspondence which had taken place between him and the sheriff, but as it had not been printed he confessed he was at a loss to know where to find it. In looking over the letters which passed between the sheriff and the magistrates of Hawick he could not see the smallest ground for imputing any bad or improper feeling to the latter or anything that rendered them unworthy the respect and confidence of the sheriff. The sheriff, indeed, appeared to entertain a feeling of respect and confidence towards them himself; and up to the present moment he (the Lord Advocate) saw nothing whatever either in the evidence or in the statement which had been made to show that they were insincere in the desire to take the best means in their power to preserve the peace. The letter addressed by him to the sheriff, to which he had already adverted, was dated on the 28th of July. On the 29th the correspondence between the sheriff and the magistrates took place, and on the 31st of July the sheriff wrote him (the Lord Advocate) a letter which he received at a very early hour on the 1st of August. That letter was in these terms:

> "My Lord,—With reference to the communication I made to your Lordship yesterday, I have now to inform your Lordship that I have this day had the conference therein mentioned, the result of which your Lordship will learn from the inclosed copy of the minute of meeting.
>
> "I have only further to request your Lordship will be pleased to favour me with your instructions, and especially to state, whether you authorise me to devolve the whole responsibility of keeping the peace upon the magistrates, and also the power of calling in and directing the military, and also whether your Lordship approves of the military being stationed at St. Boswell's instead of Denholm.
>
> "I send this by an express, who will wait your Lordship's answer.—I have the honour to be, &c.
>
> "WILLIAM OLIVER RUTHERFORD.
>
> "Hawick, July 31."

He had already stated, that he received that letter at a very early hour on the 1st of August. He observed, that his answer to it was dated at seven o'clock the same morning. It was in these terms:—

> "Sir,—I have had the honour of receiving your letter of the 31st of July, and the minute of a meeting held at Hawick by you and her Majesty's justices of peace for the district of Hawick, with the chief magistrate and certain inhabitants of the town of Hawick.
>
> "I approve of the minute which you have sent me, and authorise you to devolve the responsibility of keeping the peace at Hawick on the magistrates of that town, as there proposed, and that the military should be stationed at St. Boswell's instead of Denholm.
>
> "I beg to acknowledge that I have also received your two letters of the 29th of July, and the papers you refer to. Some observations have occurred to me with regard to them, but I wish to have an opportunity of considering those papers more attentively, and I will then return them to you.
>
> "I remain, &c.
>
> "JOHN A. MURRAY.
>
> "Aug. 1, 1837, 7 o'clock, A.M."

To prevent any mistake or any misunderstanding, he wrote also to Lord Greenock, the commander-in-chief of the military forces in Scotland. His letter to that noble Lord was in these terms:—

> "My dear Lord,—I have this morning received an express from Mr. Oliver Rutherford, sheriff of Roxburghshire, and Mr. Goodfellow, chief magistrate of Hawick.
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> "It has been proposed that the military should be stationed at St. Boswell's village instead of Denholm, which was formerly proposed by the sheriff.
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> "I request, therefore, that your Lordship will issue orders for the troop of cavalry to proceed from Earlston to St. Boswell's, and there wait for any orders which the commanding officer may receive from the sheriff or the chief magistrate of Hawick.—I am, &c.
>
> "JOHN A. MURRAY.
>
> "August 1, 1838."

Now he asked in what part of those arrangements there was any ground for a charge of partiality. In the first instance, he certainly felt very great apprehension from the desire which was expressed to have the presence of military in the county; he felt some alarm from the circumstance of its being considered that the presence of the military would be the best means of establishing tranquillity; because, from all his experience of such matters, he believed that the appearance of the soldiery at elections, was the surest source of outrage and mischief. Was he wrong, therefore, in giving a caution to the sheriff, and to the magistrates? Was he wrong in stating, in the first place, that he thought the troops ought to be sent into the neighbouring country; and, in the second place, in giving a caution to the magistrates that they should consider well before they brought forward the military, except in a case of the most urgent necessity? Was that the passage of the correspondence to which the right hon. Baronet referred, when he complained of the partiality of his conduct? In a letter written prior to any of those to which he had called the attention of the House, he expressed himself to the sheriff in these terms:—

> "I cannot conclude without observing that the interference of military at elections is unconstitutional, and that I have been informed by persons worthy of credit, that the presence of military at the last election in Hawick had a tendency to produce irritation, which, if proper means had been taken to preserve peace and order, would not have existed. I am for these reasons very reluctant to agree to military being sent to Hawick; but as you have stated on your own responsibility, and that of the other justices, that there is a necessity for them, I have been with the commander-in-chief to-day, and a troop of horse will be at Earlston on Monday, and if you shall see occasion for the troop proceeding to Denholm, they will do so on your application to the commanding officer."

Now, he asked what there was in any one part of the whole of this correspondence that showed the smallest degree of partiality or party feeling on his side? His right hon. Friend had brought forward a charge against him; let him pursue it to the utmost—let him show upon what foundation it rested. At present, he could not see the shadow of a pretence for the charge that he had been guilty of partiality, or that he had been influenced by party feeling. What had been the resolutions of the House, and what the consequence of introducing the military upon various occasions at elections? The right hon. Gentleman opposite, who had spoken in the course of the debate that evening, said, he had no doubt that it was unconstitutional to introduce the military without necessity, in order to influence elections. He said, that that was not held to be the rule of constitutional law by that House. The rule of law held by that House was, that the military were not merely not to be brought forward to influence elections, but that they were not to be brought forward even in case of riot and disturbance, unless there were an overwhelming necessity. That was the rule of the law held by the House; but he went further, and said, that the introduction of military, in cases where there had been riot and disturbance at elections, instead of repairing or suppressing the mischief, had been productive of the very worst consequences. The right hon. Baronet seemed to say, this was referring to old books and former reports; but he was referring to a source of information (the constitutional law laid down by that House) which ought never to be lost sight of. He maintained, that neither the magistracy nor the country could be safe, unless they knew the grounds upon which alone they were entitled to call in the military at elections. The first instance in which the rule of law was laid down by the House was in the case of the Westminster election in 1741, where, according to Tindal, there were riots so serious as to induce the magistrates to call in the military. He believed, that the magistrates then and since had been too desirous for the introduction of the military. This was, perhaps, particularly the case in Scotland. He believed there had never been a commander-in-chief in Scotland who had not been annoyed with repeated applications from the magistrates for the introduction of the military at elections. To such an extent was this carried at the last general election, that Lord Greenock had actually issued an order complaining of the applications which had been made to him. If he had approved of the application which was made to him, and if he had assented to it and allowed the introduction of the military, should he not have set a dangerous precedent—should he not have acted in defiance of the resolutions of that House, which declared, that the military should never be called in at elections, except in cases of the most extreme necessity. Should he not have acted in direct opposition to the opinion expressed by the venerable Speaker who in 1741 delivered the reprimand of the House to the magistrates who in that year had called in the military at the Westminster election. He did not wish to diminish or to palliate one part or particle of the evil done at Hawick at the late election. But he maintained, that the disturbances which took place were not of a kind to warrant the introduction of the military. At the Westminster election in 1741 the riots were so serious as, in the opinion of many observers, to justify the presence of the military, and they were accordingly introduced; but what was the consequence to the magistrates? They were ordered into custody—they were desired to be brought to the bar of that House, and the Speaker addressed them in terms which had again and again been brought under the view of the House, but which seemed to have been forgotten upon the present occasion. He said, forgotten upon the present occasion, because, whilst the right hon. Baronet considered him as having acted partially in not acceding to the application of the sheriff, and in giving a caution to the magistrates as to the introduction of the military, the right hon. Baronet did not give him the benefit of a candid statement that the introduction of the military, in order that their appearance might operate towards the preservation of the peace at an election, would be unconstitutional and against the rules of the House. When the magistrates in the case of the Westminster election of 1741 were placed at the bar of the House, they were addressed by the Speaker in these terms:—

> "I cannot better describe to you the nature of this offence you have been guilty of, than in the words of the resolution this House came to, upon their examination into that matter; which are, 'That the presence of a regular body of armed soldiers at an election of Members to serve in Parliament, is a high infringement of the liberties of the subject, a manifest violation of the freedom of elections, and an open defiance of the laws and constitution of this kingdom.'"

What was it that he did? He refused to march troops into the immediate vicinity of the place of election; but he allowed them to go into the neighbouring county, in order that they might be within reach in case of extreme need. It was for doing this that he was charged with having been guilty of partiality. If he had taken any other course, should he not have exposed himself to the observations made by the Speaker in 1741 to the Westminster magistrates, which were contained in the following terms:—

> "And it is impossible, if you well consider the terms of this resolution, but that you must have in your breasts the deepest sorrow and remorse for this rash act of yours, which, if it had not been animadverted upon, might have given the most dangerous wound to the constitution of this free country that, perhaps, it had ever felt; this country, free, because this House is so, which this House can never be but from the freedom of elections to it; and, amidst the too many ways for violating that, none can be more pernicious, because none more quick, decisive, and permanent, than what you might unhappily have set a precedent for, and which might have grown to an extremity, under the specious and ready pretences of fears and necessity, that supersede all law; a precedent that would have received an authority from the place it began in—the seat of the Government and Legislature of this kingdom. Necessity which is to take place of law, must be left to the circumstances of every particular case; the act must be presumed to be wrong, inquired into as such, and excused only by the clearest proofs that the necessity of it was real. What you have done is against one of the most essential parts of the law of the kingdom; has any real necessity been shown for it? There might be fears, there might be some danger, but did you try the strength of the law to dispel those fears and remove that danger? Did you make use of those powers the law has invested you with, as civil magistrates, for the preservation of the public peace?',

Now, was it not the duty of the magistrates of Roxburghshire, before they applied for a military force, and expressed a desire to have soldiers to act for them instead of the civil force, in order that their presence might produce tranquillity—was it not their duty to show that they had used other means, and found them to be inefficient, before they proposed to establish the dangerous precedent of calling in an armed body to their assistance; and was it not equally his duty, when they did not state what means they had at their command, to warn them of the consequences of calling in the military, and to order the military into the neighbouring county, to be employed only in case of the most extreme necessity? He owned he was at a loss to imagine why it was that the right hon. Baronet (Sir James Graham) did not state more distinctly upon what part of the correspondence it was, that he founded his charge of partiality. He declared that no sentiment had ever entered his mind beyond that of preserving the peace at the election in the most lawful and most constitutional way. Such an assurance might seem needless, or even impertinent; but the right hon. Baronet having stated, that his conduct had been marked with something of the feelings of a partisan, he was bound, in justice to himself, to observe, that he stood before the House with no other defence than the purity and integrity of his motives. The case to which he had referred—that of the Westminster election in 1741—was one of the most memorable cases in which the constitutional law of the country had been laid down. Other cases had been referred to in the course of the debate, especially that which occurred at Carlisle, a place with which the right hon. Baronet (Sir James Graham) was peculiarly well acquainted, in 1820. There was no question but that there was a very serious riot at Carlisle at the election in that year. It was stated by a right hon. Gentleman, whom he did not then see in the House, that many severe injuries were inflicted; and Sir Philip Musgrave, Lord Lowther, and Mr. Beckett, now Sir John Beckett, stated before the Committee that many men were knocked down, and that several had their legs broken. He did not believe that the excesses at Hawick had been of so violent a nature as those which took place at Carlisle in 1820. The right hon. Baronet said, that the excesses at Hawick were of a kind peculiar to Scotland, and thence he would have it inferred that they were of an aggravated nature. He could only ay, that an hon. Friend of his at one of the Westminster elections had been subjected, in a street not far from that House, to a species of assault which he would not describe; and this, at least, he hoped, that the right hon. Baronet would not accuse him of partiality, when he said, that that beastly and filthy custom of Westminster was not peculiar to Scotland. Because he did not state, or did not admit, that the excesses at Hawick were of the very worst and most violent description, it was said, that he wished to palliate them. He repeated, that he did not attempt to palliate or to justify any of the riotous doings at Hawick. He felt most strongly that every elector ought to be allowed to give his vote according to his conscience, without fear and without molestation; but he maintained, that the disturbances at Carlisle in 1820, when the legs of several men were broken, were infinitely worse than any of the proceedings that had taken place at Hawick. A great part of the case against Hawick depended upon the evidence of Major Napier, who was passing through the town upon the top of a stage-coach, and had the short opportunity afforded to him of the change of horses of observing the conduct of the mob. Major Napier was asked by the committee whether the mob had bludgeons? He replied, that he did not observe whether they had or not; but he described them as a very violent and determined mob, from whom he expected great injury to Lord John Scott, who was a fellow-traveller with him by the mail. It did not appear, however, that Lord John Scott suffered any injury; and from the evidence it was plain that the only weapon employed by the mob was the "open loof." [*Laughter.*] He presumed it was understood by every Gentleman in the House that that meant only the "open hand." He was voting at Appleby at the late election, at the same time as his right hon. Friend (Sir J. Graham), and certainly there was not a little violence there. Clubs and bludgeons were in the hands of the mob; houses were demolished, and the electors generally had great difficulty and no little danger in getting to the polling-place; yet he had never heard his right hon. Friend move that the polling should be removed from Appleby to some other place. But in the Carlisle election of 1820, even though limbs were broken, the introduction of the military was viewed as so serious a matter by that House, that a committee of privileges was appointed, and the right hon. Gentleman, the Member for Montgomeryshire (Mr. Williams Wynn), whom he did not then see in his place, but whose opinion upon that, as well as upon every other occasion, must have great weight with the House, as the chairman of that committee, reported, that although the committee believed, that there had been no evil intention on the part of the magistrates in calling in the military, although it was not intended by their presence to overawe the electors either on the one side or the other, and although the civil force was inadequate to meet the emergency of the occasion, yet that the introduction of the military was not to be justified. So far, therefore, it was determined that the presence of the military was not justifiable, even in a case of great difficulty. But at Carlisle, some years afterwards, there was a much more serious disturbance at the election, when the military were again introduced, and several lives were lost. And from what cause? Why, according to the testimony of a most honourable and high-minded witness, from this cause, and this cause alone—the introduction of the military, whose appearance was the signal for the commencement of a desperate tumult in a town which, previous to their arrival had been perfectly tranquil. And who was the honourable and high-minded witness who gave that evidence? It was his right hon. Friend opposite. With such proofs before him of the consequences which resulted from resorting to the aid of the military, would it have been right in him to have assented to the application made by the sheriff and some of the magistrates of Roxburghshire for the introduction of soldiers at the election for that county. He certainly must regret, that his right hon. Friend, in discussing the application made to him, while he seemed to have seen and read, did not at all advert to, the evil consequences which had arisen on former occasions from the introduction of the military at elections. Could his right hon. Friend, too, conceal from his acute and sagacious mind, that the publicity given to such an application, signed by ninety-five persons occupying an influential position in the county, and calling for the introduction of the military, under the idea that disturbances would take place, was similar to the means by which was produced that irritation in the public mind which was so fatal at Carlisle on the occasion to which he had referred? Could it be supposed that the people at Hawick had not as strong a dislike to the presence of a military force as the people at Carlisle regarding the introduction of the military at the election as one of the greatest outrages that could be offered to their rights and privileges as free and independent citizens? He had endeavoured to show that which he thought a much more important question than misconduct or default of duty on this point—that the great constitutional question which had uniformly been asserted by the House, had not been departed from in the late election for Roxburghshire. When the application was made to him by the sheriff, he thought, that a case arose in which that great principle was involved, and after the best consideration he could give the subject, and remembering the sad consequences which had resulted from the introduction of the military in other cases, he determined not to accede to the request made to him. Had he done otherwise he should have considered, that he, and not the sheriff, would have been justly subject to the same reprobation which, in 1741, was pronounced by the Speaker upon the magistrates of Westminster. The right hon. Gentleman had said, that the measure now proposed by him would be of greater efficacy than the punishment which the law inflicted. He had only one other word to say, and that was in reference to that part of the right hon. Gentleman's charge in which he attributed to him a violation of duty, because he became a member of the Roxburghshire election committee. Was he not to expose himself to the ballot on that occasion? Would he have acted a manly part if he had not? If he had been conscious of the smallest bias, or of acting from the smallest party feeling, or if there had been any delinquency on his part, he might have absented himself from the ballot. There were two other ballots on the same day; and that he should have been chosen on the Roxburghshire committee was not what he had the least reason to foresee. He could not have been chosen upon it unless the contending claimants considered that he was a fitting person to be on it; nay, more, unless they considered, that he was a more fitting person than any one of the eleven other persons to whom they objected. Neither of the claimants having chosen to object to him, he certainly became a member of the committee. He did so from no wish or party feeling, or from the smallest idea, that his conduct would have called forth blame from persons for whom he entertained the greatest respect. As to those anonymous slanderers who were hired to do their dirty work, he wholly disregarded them—their attacks had never, for a moment, excited any feeling one way or the other. But having been chosen a member of the committee, he entered it as free from bias or party feeling as the right hon. Baronet himself. But the censure of the right hon. Baronet was, in fact, establishing a new law. He could be condemned only by a new law and by a new canon of this House. It was necessary for the right hon. Baronet first to establish a new rule in order to justify attributing blame to him. He was far from saying, that the right hon. Baronet, in the course he declared he should have observed on the occasion, was not perfectly sincere; and if he had had an opportunity of conferring with the right hon. Gentleman, he might have been convinced, that the view taken by the right hon. Gentleman was the correct one; but not having had that opportunity, he sat upon that committee not being aware of any ground upon which the slightest imputation could be made against him. The right hon. Gentleman had advanced another proposition which appeared very extraordinary. It was, that being elected chairman of the committee, he was responsible for the proceedings of that committee. Although the chairmen of those committees, the members of which were nominated by the chairman might be considered responsible in a great measure for the proceedings of the committee, yet he differed from the right hon. Baronet in considering, that there was the smallest reason for holding, that any one member of an election committee was more responsible than another. All the members delivered their opinions openly, and all were equally bound to give an honest decision. The chairman, indeed, had the peculiar duty of endeavouring to preserve order and regularity in their proceedings; but was it not the fact, that a person might perform all the duties of a chairman without voting or taking any part in the decision of the committee? Certainly, at the earlier part of the meeting of the committee it was understood, that it was necessary in election committees that the votes of the members should be taken down, and, therefore, on the first four or five divisions the votes of the members were taken down; but on all of those occasions it so happened to be his lot to vote in the minority. But he blamed no man on that account, because he felt, that the decision to which he arrived was not more honourable or firm than that of the other members who differed from him. But after that, it was understood, that there was no occasion for the votes being taken down, and that the chairman might vote or not as he pleased; and he did not recollect, that he ever gave a single other vote during the remainder of that inquiry. He acted honestly in that committee, and his reason for not again voting was, that he thought, that the person who was discharging the duties of a chairman would do better by avoiding to give any vote, because it would enable him the better to regulate the proceedings of the committee. The right hon. Baronet said, that he did not attack the decision of the committee. If not, then he certainly did not feel it necessary to defend that decision. But the right hon. Gentleman did insinuate, that if other persons were disposed to arraign the decisions of political committees, and to distrust the tribunals of that House, the decision of the Roxburghshire committee might very well form one of the topics of their censure. But he would say it fearlessly, whether he differed from that committee or agreed with it, there was not one decision come to by that committee which could be considered by any fair or honorable person as discreditable to the members of it. Those decisions would stand a comparison with the decisions of any committee that had ever sat. He had, nevertheless, no doubt, that the right hon. Baronet would have come to a very different opinion upon the evidence adduced. According to the testimony of Mr. Cragie, who could not be considered to have any political partiality for him, on the second day of the election there was no rioting or any violence whatever; but that Gentleman said, that there was a moral obstruction on the second, not from any violence on that day, but from the proceedings on the first day. If a moral obstruction arose from a riot at an election the whole proceedings of the election must necessarily be void.

The remedy proposed by the right hon. Baronet for the disorder he had found out, appeared to be a most extraordinary mode of proceeding; for what was the proposition? Why, that they should remove the election from Hawick into other parts of the county, where it was at the same instant declared, that a system of revenge was to be apprehended. It had been said, that former riots had occurred at Hawick. He had not been able to discover an instance of any charge against the electors at Hawick for riot on any former occasion. There were cases of assault; one took place at the election in 1832, on Lord John Scott, when the offender was prosecuted to conviction. The learned Lord, in conclusion, contended, that the authorities in Scotland had, on no occasion, been neglectful of their duty, in cases of riot and disturbance at elections. There had been fewer prosecutions in England for rioting, than at elections in Scotland. It was impossible that any delinquency could have been prosecuted with more zeal than those which formed the subject of the present debate.

Lord *Stanley* said, that the learned Lord had with great ability vindicated himself from charges which had never been made against him, and had with equal judgment abstained from treating of those parts of the case which really pressed, as influencing the decision of the House upon the matter which was now before them, while he had naturally, not unjustifiably, but he (Lord Stanley) thought honourably to himself, dwelt principally, not upon the case which affected the merits of the election of 1837, the election of 1835, the election of 1832, in the borough of Hawick, which were brought forward with so much ability by his right hon. Friend last night, but had dwelt upon those personal points in which he conceived, that his individual character as a gentleman and a Member of that House, and as a law-officer holding a high station in Scotland, were principally involved. But he did not complain of the learned Lord for taking that course; but still he must say, that while the learned Lord was thus ably vindicating himself from charges which were never made, the learned Lord had abstained from touching that which was the main point upon which the decision of the House was to be formed. The learned Lord had supposed, that his (Lord Stanley's) right hon. Friend last night had charged him with improper conduct, because he had refused to permit the introduction of the military into the town of Hawick previous to the election for Roxburghshire. But his right hon. Friend made no such charge; he never in any respect impugned the right of the learned Lord to exercise his judgment on such a subject; nor did he attempt to express an opinion on the propriety of the application made on the 26th or 27th of July previous to the election; he never expressed an opinion whether the military should or should not have been introduced into the town of Hawick; but the learned Lord having obtained these popular topics, dwelt upon them, and diverging into a vindication of himself, on a charge which was never made against him, entirely departed from the election for Roxburghshire in 1837, and referred to the Carlisle election, for he knew not what year, and to the Appleby election, and quoted the well-known maxim of the Constitution, that it was against the law of Parliament and the practice of the Constitution of this realm, to introduce the military into any town for the purpose of influencing the proceedings of an election. But the learned Lord very cautiously omitted this fact, that neither the petition nor the motion, neither his refusal nor assent, in any one way involved this question, whether military ought to have been in the town of Hawick, for in that town they never were; they never were till after the election. [*"Oh, oh!"*] Would hon. Gentlemen who called "oh, oh!" venture to assert to him—would any one hon. Member, having read the evidence, say, that he was ready to state, that the military were called into the town of Hawick; or that they made their appearance there till after the poll had been closed on the second day of the election? Yet the argument of the learned Lord was this, that riots had happened in England upon former occasions—riots in which his right hon. Friend (Sir James Graham) was one of the parties involved in the contest which led to them, and he quoted his right hon. Friend's authority for saying, that the military ought on no occasion to be called in at the time of an election. But in that case it was not the introduction of the troops into the town, but into the way of the people, into the very polling place, that was complained of. Carlisle was a garrison town, and the troops were regularly quartered there. No complaint was made of the troops being in the castle, which formed the outer wall of Carlisle; but the complaint was, that, being so quartered, they were called into the market-place and interfered with the election. What was the case of the Appleby election? Great riots, said the learned Lord, had occurred there, yet nobody thought of sending the military into that town. The learned Lord spoke with regard to the presence or non-presence, the calling for, or the non-calling for, the military at the election, of the riots there, and he stated, that the distance from Denholm to Hawick was five miles, and from Temple Sowerby to Appleby was precisely six miles. But he would repeat, that the point in question was not whether the troops were sent or not within the town of Hawick; but the sole question was this—whether, in the state of the town of Hawick, it was prudent that the troops should have been at the distance of fifteen or twenty miles, at St. Boswell—or whether they should have been brought into the neighbourhood of Hawick, for the purpose of being at hand in case of disturbance. Now, this had been called a case of overawing. He would venture to say, that there was not a contested election in England where there were not troops within the distance that Denholm was from Hawick. And he was quite certain that, in no case where there was a contest in a manufacturing or populous town, would it be matter of complaint that there was a military force within five miles' distance which might be called in in case of any disturbance arising. But, he again repeated, his right hon. Friend made no charge, either in direct terms or by implication, against the learned Lord in respect of his conduct regarding the military. He might say, in passing, that the reflections of his right hon. Friend on the learned Lord's conduct formed a very small portion of the speech in which his right hon. Friend embodied the history of the proceedings at the election at Hawick. The name of the learned Lord was included almost in a parenthesis. No partiality was imputed to the learned Lord either in his conduct or his correspondence. But this his right hon. Friend did impute, that the sheriff of the county, and the magistrates, knowing from previous experience that they had reason to anticipate a disturbance, and knowing that an organization was established for the purpose of getting up a systematic riot to interfere with the election, proceeded to call upon the Lord Advocate to take steps, or to sanction their taking steps for the preservation of the peace of the county, for which the sheriff was responsible; that the Lord Advocate advised the sheriff to communicate with the authorities of Hawick; that some correspondence took place; that the bailies of Hawick, only one of whom was a magistrate of the county, took upon themselves to tell the sheriff that they would not in any way co-operate with him; that they would not assist or aid him, as it was their duty to do, in preserving the peace of the town; that if he anticipated riots, they did not; but that if any riot occurred, and if the sheriff and the magistrates would denude themselves of the authority which the law vested in them, and would give to the bailies of Hawick the sole responsibility and authority, then, upon that, and upon no other condition, they would lend their assistance to preserve the peace of the town. Now, the learned Lord did not deny, that two of those bailies of Hawick were known to be violent partisans of one of the candidates at the election which was about to take place under their jurisdiction. The sheriff stated to these bailies that the law did not give him any authority to come to such an agreement with them without the consent of the Law-officer of the Crown, and he accordingly applied to the Lord Advocate for his permission to transfer from the legal authorities to other, not impartial, but notoriously prejudiced authorities, the full power of preserving the peace during a contest in which it was most likely a disturbance would arise, in which the prejudices of those very magistrates would be deeply engaged. Now, the charge which his right hon. Friend made was a charge of indiscretion against the learned Lord for having, under such circumstances, assented to such an arrangement and to such a denudation of the ordinary legal authorities. In that charge he confessed, with all the respect he bore to the learned Lord—and he declared that he entertained a very sincere respect towards the learned Lord—in that charge he so far concurred that he did think it would have been infinitely better if the learned Lord had thrown upon the sheriff that responsibility which devolved upon him by law; if he had declined to sanction a departure from the ordinary course of the law, and to lend his authority to what must have borne upon the face of it the suspicion of its being a party proceeding. The learned Lord then proceeded to comment upon the supposed charge made against him for being a Member of the committee appointed to try the merits of the Roxburghshire election. He very truly said, that in order to debar him from sitting upon such a committee, there required some new canon, and some law of Parliament. This was true. There was no disqualification to prevent him from sitting upon that committee. The learned Lord also stated that it was very improbable that his name should be called upon that ballot. He (Lord Stanley) admitted it; nor did he charge the learned Lord with any design in coming down to be appointed upon the committee for any party purpose. But finding himself placed upon that committee, the learned Lord would excuse him for saying it was a mere question of feeling, he thought that if he had been in the place of the learned Lord he should have tendered to the House his apology. He thought he should. He thought that if the mere fact of a person having voted at an election disqualified him from sitting on a committee relating to that election, still more strongly, whenever inquiry involved the event of an election in consequence of the mal-conduct of these bailies, who, by the permission of the learned Lord himself, in his official capacity, usurped an authority to which they had no legal claim, should a person in the learned Lord's place feel himself morally disqualified from sitting on that inquiry. If he had been in the learned Lord's place, he should have felt inclined to have thrown himself upon the indulgence of the House, stating the peculiar manner in which he was connected with the circumstances of that election; but he would frankly add this in answer to an objection made by the learned Lord himself, when he said, that the opposing candidate had the power to strike off his name — that if he had been the rejected candidate, and had seen the Lord Advocate's name on the balloting list, and knowing how intimately informed he was of all the circumstances connected with the case—knowing how high his authority stood in Scotland in point of law, and knowing how strong an inducement there was upon him, arising from every motive, to act, as he had no doubt the learned Lord did act, most fairly and impartially, that learned Lord would have been the very last man whom he should have felt disposed to exclude from that committee. The learned Lord had said, that although there had been many cases of election riots and interventions of the military, yet the House had never proceeded to adopt so extreme a remedy as that of transferring the polling from one town to another. No, they never did, but the learned Lord forgot, that they were now proceeding upon a new state of things, and also that the very object and intention of the Reform Bill introducing various polling places was to check the ebullitions of popular feeling which almost inevitably arose in large towns where the population of voters was concentrated in one polling place. But that remedy, with respect to England, was not left for Parliament to apply; the magistrates in quarter Sessions had the power, if they thought fit, of changing and appointing new polling places. But did the learned Lord mean to say, that upon former occasions this step had never been taken to remedy the abuses arising from riots at elections in England? He must surely know, that in many cases it had occurred, when there was only one polling place for a whole county, a transfer to another place had been made. This was a much stronger measure than transferring one only out of three or four polling places. But to his great astonishment the learned Lord quoted the riots of Nottingham. [*"Oh, oh!"*] At any rate it was quoted by some other Gentleman—Oh! the case of Nottingham was referred to, not by the Lord Advocate, but by the Judge Advocate. And what happened with respect to Nottingham? In 1802 Mr. Scarlett was counsel for Mr. Birch, the sitting Member. For the first three days of the poll, which then lasted for fifteen days, great disturbances took place. After the third day one of the candidates left the town, saying that it was hopeless to think of getting up the voters; but afterwards the peace of the town was preserved and the poll was kept open for the three subsequent days, though no voters polled, those were the days of corrupt committees and of nominees. It was proved, that there was no disturbance after the first three days, yet the nominees and the counsel and the committee said, that the previous moral obstruction which was now so much sneered at, and which had been successfully practised during the three days, rendered null and void the whole election; the voters were enabled to come up during the last three days, but the committee declared, that the return was vitiated by the previous obstruction; the election was declared null and void, and in consequence of the notorious want of prudence and foresight on the part of the local magistrates, the committee recommended, that the county magistrates should have concurrent jurisdiction. He admitted, that the present case did not run on all fours, but here there was notorious obstruction on the first day; and, though hon. Gentlemen talked lightly of the marks left on the voters, yet witness after witness who was called before the committee bore those marks, and stated that they should do so all their lives. One was injured in the hand; another had a contracted finger, which would never be restored; a third had a wounded leg, produced by a kick from a shodden shoe, by which he supposed was meant a shoe which was iron shod; another was dragged out of the river bleeding and exhausted, whilst some of the bystanders, possessed of more humanity than their fellows, called upon the mob for God's sake to desist; another was dragged from his bed and mutilated, and was only saved from the cry of the mob, which was to crush the bed down upon him, and to murder him. It was nothing in Hawick to be stripped of all clothes, and to be driven naked through the town—it was nothing to be dragged, half drowned, out of the river. [*Laughter.*] Ay, let hon. Members laugh, but he would defy them to laugh at the next case which he would adduce. They would not laugh when they were told that a man was dragged from the river naked, or nearly naked; that he was obliged to take shelter in a neighbour's house; that, naked and stripped, he knew not how to get away, when his sister, hearing of his flight, went to supply him with clothing. But did she succeed in doing so? No. In her attempt to minister clothing to her naked and wounded brother, she was stopped and driven back, and it was only accomplished by the artifice of putting on her clothes over his own, and by thus concealing her intention. This was one of the cases proved by the evidence before the committee, and he would tell hon. Gentlemen on the opposite side of the House that these things were not so insignificant as they seemed to suppose. The hon. Gentleman who spoke last night, the Member for Cockermouth, had said, that there was a popular collision, but that there was nothing serious and nothing in the nature of a riot; but the committee were of a different opinion for they were of opinion that "at the late election for the county of Roxburgh, riotous and tumultuous proceedings took place; in consequence of which, according to the evidence produced before this committee, prosecutions were instituted in the Justiciary Court of Scotland, in which prosecutions certain of the offenders were convicted;" but then the committee were fortunately of opinion—that is, most fortunately for the sitting Member—"that the riots were not of such a nature, or of so long duration, as to prevent the votes of the electors of the said county of Roxburgh being taken in the matter of such election." The opinion of the committee, therefore, went a little beyond that of hon. Gentlemen opposite, but Lord Mackenzie went a little beyond the opinion of the committee, an opinion which he did not dispute, as far as the matters in the election were concerned, but which on this point, he did dispute, when it was opposed to that of Lord Mackenzie. Lord Mackenzie had said,

> "It is impossible for any party, take what view of it he may, to regard it in any other light, than as a serious case in every respect. It is serious, because it was a disturbance of the peace of the grossest description. The mob seems to have taken possession of the town, to have overpowered the authorities, and to have rendered the zealous interposition of some, probably of all of the magistrates, of no effect, and we cannot doubt that this state of things excited the utmost alarm in the minds of the lieges. In reference to the design of these proceedings, to the occasion on which they took place, to the purpose for which they were got up—in this light I also view the case as one of a very serious description."

And then the noble Lord went on to say, "Some attempt was made to represent the riot as of a trifling description, but no eloquence, no ingenuity could sustain such a view of the case. It was a mob evidently intended to have the effect of controlling the right of free election of a Member of Parliament. This I can never consider otherwise than as a most dangerous species of crime." This was the decision delivered from the judgment-seat of Scotland, although the Lord Advocate, and though the committee had in a technical manner distorted the evidence of the sheriff-substitute, that the voters could come up to the poll; yet they had determined only that riotous and tumultuous proceedings had taken place, whilst other hon. Gentlemen treated the matter, as hardly bearing the name of a riot at all. But it was not on the simple fact of the riot, that his right hon. Friend proceeded in the present motion; it was because it was foreknown—that it was preconcerted—that it ought to have been provided against; and that it was not provided against by the local authorities. When on the first news of the contest, on the entrance of the mail, which was suspected of conveying the persons of the voters, the parties were driven to the house which afterwards became the fortress of the party, the Tower Inn, and yet no steps were taken. And what was the course of proceeding on the following day? The voters were driven like sheep in a pen to the poll; in the earlier part of the day porches were erected, which prevented the mob from having a free view of the voters. Those porches were so placed, that the mob could not precisely tell what part each individual elector took, but on the application of the agent of the Gentleman on the opposite side of the House, in the early part of the day, these porches were removed; full access was given to the mob, to have a clear view; every person who gave his vote did so under the control of the mob, and he was delivered over to the tender mercies of the mob, who ministered brutal maltreatment for venturing to exercise his franchise. And were these voters assaulted in the absence of the magistrates in some obscure corner of the town? No, but under the eye of the magistrates themselves, on their exit from the polling-booth, in the sight of those magistrates who it was proved were wearing the colours of one of the candidates. But then it was said, that there were 300 constables, at the least, surrounding six square yards of ground; why, the chief difficulty of the electors was, to escape in consequence of the density of the constables from the hands of the mob, to whom they were delivered. Some were deterred from coming up, to give their votes at all, whilst others had given it in evidence that they were intimidated into giving different votes from what they had intended. Throughout, the proceedings of the bailies were wavering and improper; those men to whom the peace of the town was committed by the Lord Advocate were not such as was to be expected of him, and no one man was taken into custody by any one constable during the election. He had said, that the riots were foreknown, and that they were foreseen; the county magistrates had met before, and had recommended steps to be taken; they apprehended at this election, knowing the previous conduct of the parties, a renewal of the riots which had taken place in 1835, which had commenced in 1832, and had attended every election since the bestowal of the franchise; the riots were therefore foreseen, and they were foreknown to the local magistrates. The hon. Member for Roxburgh had last night made a bold and able defence of his friends and confederates in Hawick, who, he had somewhere said, were unused to the election disturbances known in England. In 1832, there was one case of assault, Lord John Scott was ill treated; and be it observed, that the riots in Hawick were always against the same party. They were against the same party in 1832, against the same party in 1835, and against the same party in 1837. It was always the party opposed to the hon. Gentleman, which was ill treated, and there was no one case where the other side had been attacked. There was no prosecution in 1832, and it was admitted, that this was owing to the leniency of Lord John Scott. But what were the facts in 1835? Oh, it was said, that there was no riot; it was true, that one man died from the injuries he received then. He made the statement on the authority of an official communication made by the sheriff to the Lord Advocate; at any rate it was supposed, that the man had died in consequence of the injuries he received; it was true, that the Riot Act was read; it was true, that the sheriff appeared at the window to read it; and it was equally true, what hon. Gentlemen appeared to consider was the natural consequence, that the people had a cockshy at the sheriff. Yet this was not a riot; that which happened in 1837 exhibited somewhat more of violence; but still there was nothing like a riot! Some few were stripped naked, others were taken home bleeding and ill-used; one had his leg broken, and the cry of the mob was, "Break the other, and make both his legs alike;" but still there was no riot. He said, with his English notions, that the proceedings at the two last elections did bear some appearance of a riot; and he was prepared to say, with his right hon. Friend, and he would be surprised if the House did not concur with him, that when the progress of riot had been traced in a perfect system, beginning at the first exercise of their privileges, increasing in 1835, and shown to have grown to its height in 1837—when it was proved, that the constituted authorities had not checked it, and that the two persons to whom the Lord-Advocate had delegated the peace of the town were incapable, and when the judges had in the strongest terms denounced those actions as a heinous offence against the freedom of election, it was not too much to ask of the House to maintain that freedom, as well against the exercise of tyranny on the one side, as against popular violence on the other; and that they ought, therefore, to give the sheriff of Roxburgh the same power which was now possessed by the magistrates of every quarter sessions in England, of choosing some other polling-place in lieu of Hawick.

Lord *John Russell:* it is chiefly in consequence of the office which I hold, and of having had some correspondence with respect to these occurrences that I think it necessary to say a few words. With respect to the debate itself, I think that we have almost heard enough to decide on this grand, imperial question. With respect, however, to the charges against my right hon. Friend, made with a sort of candour which was accompanied with great obscurity, I am not surprised that my noble Friend should rest satisfied, for I think that the speech of my right hon. Friend completely dispelled the ground of all charge against him; and if there were anything wanting in my right hon. Friend's speech to affect this object, the speech of the noble Lord, who has just sat down, supplies the deficiency. The right hon. Baronet brought two grounds of charge against my learned Friend; the first ground related to the answer which he gave to the application for the interference of the military; but as the noble Lord says, that he does not charge my right hon. Friend, the Lord Advocate, with any partiality in his conduct of the correspondence, I will not enter further upon that point than to declare my opinion, that in such correspondence he acted with firmness and discretion. The other ground of charge was, that he permitted himself to be a Member of the Select Committee which was sworn to try the merits of the Roxburgh election. I own, that I think the answer of my learned Friend to be sufficient, that there were eleven other persons whose names the petitioners had thought fit to strike out before his. Surely it was the object of the Grenville Act, by giving the privilege of striking out a large number, to strike out every person who might be thought to have any partiality; and then, as if the right hon. Gentleman's answer was not enough, the noble Lord gives another answer, for he said that the Lord Advocate was so well fitted to act upon the committee by his knowledge of the law of Scotland, by his previous acquaintance with all the circumstances of this election, and by the scruples which it was known that he would have, and which would induce him to turn the balance against his own party, that the learned Gentleman was a particularly good Member for the committee, and that nothing would have induced the noble Lord to strike his name out. Why, Sir, if the Lord Advocate had declined to serve on this committee, what a curious entry must have been made upon the Journals of this House! "The Lord Advocate having been chosen one of the thirty-three Members ballotted for to try the merits of the Roxburgh election, and it being stated in this House, that the Lord Advocate was peculiarly fitted, from his knowledge of the Scotch law, from his acquaintance with the circumstances of this election, and from his bias against his own party, therefore this House, seeing his peculiar fitness, was pleased to excuse the Lord Advocate from attendance on the said committee." I think, Sir, therefore, that so far as the Lord Advocate is concerned, whatever may be the decision with respect to Hawick to which this House may come, he will have no reason to complain; and although, Sir, the right hon. Baronet and the noble Lord dealt kindly towards my learned Friend, yet it was well known in Scotland—it has been mooted loudly there—that a charge was to be made against the Lord Advocate by which he was to be overwhelmed, and that the charge was to be brought forward in a debate raised by the right hon. Baronet. It must, Sir, be most satisfactory to my right hon. Friend, that not only did he make a complete answer to the charge, but that even those who brought it forward did not insist, that they had any longer a serious charge against him. With respect to the proposition before the House, I object to it for a reason which is very short, and which seems to me to be very decisive. I will not take part in the description of the offences which were committed at Hawick; I will neither agree in the description of those who insist on their great enormity, nor will I coincide with those who seek to palliate them, but I will take the description given of them in the courts of Scotland. I am, Sir, satisfied with that description, and I am also satisfied with those results. Be it observed, however, without in any manner palliating these offences, that cases of disturbance have, unfortunately, arisen elsewhere, for which prosecuting officers could not be found, and the perpetrators of which could not be ascertained. In the present case, however, did the law officers fail in their duty? Let any one read the speech of the Solicitor-General, and it would be at once said, that it was impossible to state a case more clearly or to produce a greater effect upon the jury than had been produced by the Solicitor-General for Scotland upon the late trials. The prisoners were convicted, and the right hon. Baronet, the Member for Pembroke, has referred to the description given of the offences by a learned judge, and a most learned judge he is; and on reading his description, I am the more confirmed, in my own opinion, that it is better to leave such cases as these to the learned and impartial decision of those judges than to make them party questions, and to bring them before a tribunal of a very different description. With respect to the judgment of Lord Mackenzie, I will refer to a few passages. I shall commence reading where the right hon. Gentleman left off; and I do so for the purpose of showing that these offences have been brought before the legitimate tribunals of the country, that the judges have given their decision, and that though a lenient sentence has been passed, yet that it was such as was considered sufficient for the offence. Lord Mackenzie, Lord Cockburn, and the Lord Justice Clerk, may differ in their political opinions, but they agreed in the description of these offences, and they agreed also in the punishment to be awarded. Lord Mackenzie said,

> "I look on the case calmly, and am willing to take as low a punishment as can have the

effect of preventing such riotous proceedings in future, and checking in these men, and the many others who shared their guilt, the supposition that they can, with safety to themselves, continue to commit such disgusting outrages."

Lord Cockburn, who followed after, said,

> "We are at the beginning of a new system in Scotland, and I am anxious to see it begun rightly: I am anxious to see the law enforced from the very first, that the people may not be betrayed into the intolerable thought that elections are to be the occasions selected for popular outrage and personal violence. I do trust that this case will make an impression, not only on the minds of the prisoners, but that it will go forth to the minds of all electors throughout all the elections of the country, so that every man disposed to mobbing and rioting, and such scenes as these, shall know that we never shall have a public prosecutor by whom such things shall be overlooked, that we never shall have a court that will not administer justice, and probably never have juries that will not remember their oaths, but that all will resolutely set their faces to protect freedom of election, by repressing those outrages by which that freedom is destroyed."

And the Lord Justice Clerk, lastly, in awarding the sentences, said,

> "I do hope the result of the proceedings in this case will have a salutary effect on the country at large—that Scotland will no more be disgraced by such scenes—that electors and non-electors will be taught that if they take part in such proceedings the arm of the law is sufficient to reach them, and effectually to repress such crimes."

Here, then, Sir, we have the statement of the judges agreeing, in their judicial opinion, that the public prosecutor has done his duty, that the jury have done theirs, and that the sentence will, for the future, prevent the commission of such crimes; and now I ask the House, whether it is not satisfied with the fair and impartial decision of the court of justice, and whether they will consent to make a party decision, that one political party may be favoured, and another political party lowered. This is my reason for opposing this motion; and I think that I may fairly apply the words of the hon. Gentleman opposite, and say, that he has been guilty of a "great indiscretion in bringing forward this case;" for even if his object should be attained, of removing the polling place from Hawick to Melrose, does he think that such a decision or a party debate is likely to discourage riot so much as the decision of a court of justice, where the evidence is taken without heat, and where the judgment is pronounced without the suspicion of party zeal? I cannot sit down, however, without saying one word as to a noble Lord, a colleague of mine, of whom I thought that unwarrantable mention was made in the first speech in this debate. It was said, that Lord Minto took a strong part in this election, and that he went so far as to head a party procession. I have since asked my noble Friend, and he has distinctly denied, that he ever headed an election procession, and that on the only occasion on which a large procession took place, he took especial care to take a different road, so that he might not fall in with it. Indeed, in the evidence before the Committee, a person who was not exceedingly willing to give any statement favourable to the noble Lord, replied, "I certainly understood it was owing to Lord Minto that we had peace restored in the town." I believe, Sir, that the interference of Lord Minto was in consequence of the wish expressed by the magistrates of Hawick and of Lord Lothian, that he would interfere to preserve the peace of the town. As to the calling in of the military, I will not enter upon that question, except to say, that at least the magistrates were willing that an inquiry should take place: they applied to me to institute one. I communicated with the noble Lord, the Lord-lieutenant of the county, Lord Lothian, and from the explanation I received I was satisfied that the magistrates acted to the best of their discretion in the affair, and I thought that it was not necessary to institute an inquiry; and I am perfectly sure, Sir, that the magistrates acted rightly, and that everything which Lord Minto did was to preserve the peace of the country, and not with the design of using any unnecessary interference.

Sir *Robert Peel:* The noble Lord began his speech with a sarcasm on the grand and imperial nature of the question now before the House; and he says, that on the discussion which has taken place, the House is competent to decide on this great and important question. Now, I do not know exactly what is the test of an imperial measure. I suppose, that an imperial measure, talking in political language, depends on the length of the debate. Now, we were perfectly ready to close this debate last night; but the noble Lord never dreamt of such a proceeding, seeing that he was in a minority; and, therefore, if an undue importance has been given to it, it is the noble Lord who has meted out the imperial standard, and has extended the length of the debate. He says, that supposing that the learned judges of the land shall punish the rioters, the House of Commons has no jurisdiction in the matter. He says, at least, that the punishment of the rioters should be left to the judges of the land, and that the House of Commons should not interfere. And he has quoted some parts of the learned judges' decisions, complaining that my noble Friend had stopped at the point which was material in support of the views of hon. Members on the opposite side of the House. Now, I will trouble the House also with an extract in the speech of Lord Mackenzie, and I will begin where he left off. And this is the account that Lord Mackenzie gives of his views on the subject:—

> "There may be many things done against the freedom of election, many things done improperly, many things done criminally, and many things which ought to be restrained; but it is evident to common sense, that of all the dangers to the freedom of election, none can be so great as that of the application of unlawful force to the persons of the electors on the very occasion of giving their votes. If men, when they come forward to exercise their franchise, are to feel themselves delivered up to violence at the discretion of lawless and furious persons, there is an end to all freedom of election. It would be a jest to talk of a Constitution founded on the representative system if such things as these were allowed to go on, or were not to be checked by the strong arm of the law. They could have no other effect than to overthrow the Constitution altogether."

Are we not guardians of the Constitution? And would not the representative system be made a mockery if such violent proceedings as those which took place in Roxburghshire were allowed to pass, because the House of Commons had no jurisdiction. Suppose a case of violent riots taking place, and suppose that the evidence should be insufficient to convict the offenders, according to the strict rules of law, by which, of course, such a case must be governed as well as all others, was that any reason why such a system as this should be supported, and it should be admitted, that the House of Commons had no jurisdiction? See to what length this doctrine would lead. Suppose a system of bribery to be carried on in an election, will it be concluded hat it is sufficient to convict the principal bribing party? Will it be said, that it is sufficient that the individual charged with bribery should be brought before a court of law, and that the House of Commons ceases to have any jurisdiction, and that the matter may not be inquired into by a Committee? But supposing a strong case of the system to occur, will it be said, that the mere inquiry before a court of law is sufficient, and that the House has not any jurisdiction to interfere to take away the franchise of the borough? I affirm that that is the case, for if we suffer such violent conduct as this to interfere with the exercise of the elective franchise, and the fears of any respectable man to be so acted upon as to prevent his exercising his right to vote, is it any satisfaction to that man to say, that one man has been convicted by a court of law; and are we not bound to take measures not only to punish the individuals concerned, but to stop the system of violence which has caused the mischief complained of? It is said, then, that these riots in Scotland are exaggerated in importance, and that they are no more than a mere election row in England, and would have produced no more attention. That was the defence made at the court before the judges by the learned counsel, dealing in all sorts of legal quibbles, by whom it was said that these riots were nothing but English rows. And what do the judges say? "It is said in the observations of Lord Mackenzie, indeed, that in a neighbouring country, liberties are taken in this respect at elections. It may be that many things are done there which are not correct or proper, or agreeable to good manners, and which, nevertheless it may not be always expedient to follow out to their full consequences; but that anything similar to what has existed in this case is there tolerated I have not the most distant conception." Did any of us ever hear that at Westminster, or any where else, the place of giving the suffrage was beset by a mob; "that men when returning from giving their suffrages were taken prisoners by that mob, and treated as the voters of the county of Roxburgh have been proved in this case to have been? Was a case ever heard of where voters were laid hold of in the streets of Westminster?" What! are cases of outrage so prevalent that you have nothing but them? First, says the hon. Gentleman, that it is the ordinary rule of practice in this country, and this I am told, that these riots are prevalent in every part of the empire; but in saying this do you not give me conclusive proof that Parliament is called upon to give its authority to say, not that this town shall forfeit its franchise, not that the inhabitants shall no longer possess the right of voting, but that it should not continue to hold the poll? And the more you prove that these practices are permitted, the more should you desire that the poll should be taken away from towns where such disorders take place, and the more do you prove to me that the jurisdiction of the judges alone is insufficient. But I must say, that the encouragement which the mob of Hawick has received in the course of this debate, the tone and temper of the defence which has been made for the outrages which they committed, is ten times more alarming than the outrages themselves. It appears to be assumed as a matter of course that the holding Conservative opinions at Hawick in itself involves a positive offence against the law. Why, what is the course taken by hon. Gentlemen opposite? In the first place, and speaking of 1835, as was remarked by my noble Friend near me, the Member, the representative, who embodies sentiments of the people of Hawick—so far as I can see a very worthy representative of them—what is the doctrine which he holds. He says, "When the sheriff read the riot act it is true he was pelted, but then the snow was on the ground." Now, flesh and blood cannot resist that. [*a laugh.*] Hon. Gentlemen's fingers seemed to itch for a snow ball. It began by the boys pelting the sheriff, but it seems that it soon extended to the men, and when the sheriff read the riot act, nothing was more natural than that they should make him a cockshy. But then the hon. Member for Cockermouth, when we tell of the voter for Lord J. Scott being ill-treated, says—"Oh, yes, it is true he was abused and ill-treated; but then he was mistaken for the factor. You mistake in supposing that he was ill-treated as an independent voter; not at all; he was mistaken for the factor, and all the sufferings which he was compelled to undergo were meant for the factor." So that in the opinion of the good people of Hawick it is an offence against the law to hold Conservative principles, and not only so, but even to be a factor to a Conservative proprietor. But then it is said, "You charge the people with robbery; but so virtuous are the people, that although they take the money from the pockets of the persons whom they strip, yet they take pains immediately to return it." Why, this is the miserable defence which has always been made for mob-riots. This is the very defence set up for the mob at the time of the French revolution. I say the principle is the same; they murdered the magistrate, but they did not steal his property; but having abstracted it from his pockets, they brought his watch and his purse to the Hotel de Ville, and they were lauded as the most virtuous of people, who limited their vengeance to the purpose which called it forth, and so virtuous and well principled were they that they would not soil their hands with pillage, for after they had murdered the man, they took care not to steal his money. Then there was another charge, that violence was used for the purpose of intimidation, and that there was a system of intimidation employed for the purpose of influencing the voters, and of preventing them from supporting that candidate whose principles they approved; and in answer to this it is said, that the committee have reported, that the voters had full opportunity and power to go to the poll. They did get up to the poll, and it was true that they did vote, but the most disgraceful outrages were committed afterwards on the unoffending men. Then we are told that the river is not deep: but is it not a sufficient violation of one's freedom and one's safety to be thrown into a river over the bridge, no matter how deep or how shallow the water may be? It is something too monstrous to contemplate, that because a river is shallow a man may be thrown into it with impunity. Here are individuals coming up to exercise a franchise, which they have as much right to exercise as any hon. Member of this House has a right to vote, and they are seized by the mob, and indignities offered to them worse than death itself. They are stripped naked in the streets—they are exposed to every species of degradation and humiliation — they are lessened in their own esteem, and then you tell us that it is sufficient to get up and say that they have given their votes. But what effect has it on the voter who has not given his vote, if he finds his predecessor has voted, but has been half murdered in consequence? Then, what says the hon. Member for Cockermouth, that these outrages are not on account of the vote which has been given, but because the voter has changed his opinion. That is Hawick law again! You cannot change your opinion at Hawick. Can any thing be more monstrous than this? It is held out as a defence that you are wrong in supposing that the voter is maintaining the Conservative opinion which he has always entertained. Oh, no! he was a Liberal formerly, and because he has changed his political opinion he is liable to be attacked in the manner adopted here. I am sure that the hon. Member will not say that this is intimidation, but as it is put forth it strikes me that it is impossible not to consider it so. The hon. Member says, too, that the question lies in a nutshell. I agree with him; but if so, why have all these extraneous matters been introduced into the subject? What have we to do with the case of Selkirkshire? And with what object can that have been introduced but to divert the attention of the House from the proper subject. The question is not whether the military were properly applied to or not; but the question is, whether there has been on several occasions such proofs of systematic violence at Hawick as to disqualify it from being allowed to continue in the position of a polling-place? The hon. and learned Gentleman has stated, that the reason for the commission of these outrages was the indignation of the people at seeing the military sent for, and that the threat to send for military assistance instigated the people to commit acts of violence; and he refers to those men who were advocates for the freedom of election, and who, he says, were indignant to think that the military should be called in. The military were not called in until the next day. I will admit, for the sake of argument, that it was wrong to send for them at all; but I will say that these outrages were sufficient of themselves to give the House a sufficient reason for passing this bill. I said that I would not trespass long on the attention of the House, and I will keep my promise, and I will offer only a few more observations; but this I must say, that, recollecting other times, when a Conservative Government had authority—I mean official authority—if the whole of these transactions had occurred, from beginning to end—if, in the case of a Whig constituency, a peer and First Lord of the Admiralty had been present in the town at the nomination, and if he had taken part, with whatever good intention with respect to the maintenance of the peace of the town, his brother being a candidate—if the Conservative candidate had offered an insult to the Whig sheriff, as the natural result of an inherent disposition in a man to make the sheriff a cock-shy—if three members of the Conservative candidate's family had permitted the poll to be taken near the Tower inn—if, in the case of the particular friend of the Conservative candidate the preservation of the peace had been entrusted to him, and he had got up the votes—if one magistrate offered his protection to another, as by the magistrate, in this case, protection had been offered to Major Napier—if it had been considered that it was a positive crime to change your opinions in the place—if to rescind the whole in case of an election committee, my hon. and learned Friend near me, as Lord Advocate for Scotland, had sat on that committee, and had made a report thereupon—if, after all these things, there were riots which were not sufficient, still, to prevent the voters from going to the poll then, he would venture to say that the roof of this House never would have rung with such clamorous cries as would have come from those Members of the House who were opposed to that Government, and that, too, because the practical exercise of the elective franchise happened to be intrusted to a Conservative Government.

Mr. *T. S. Duncombe*.—The question as simply confined to the point, as to whether the polling-booths of Hawick should be removed to some other place, it was a matter which was of little importance, because it was equally competent for any hon. Member to move, that the polling-place for Westminster should be removed from Covent-garden to Drury-lane. A more frivolous and childish proposition could not be made. The hon. Member was so frequently interrupted, that he was compelled to resume his seat.

Sir *J. Graham* in reply, said, that some observations had been made by an hon. Member, with reference to Mr. Scott, the opponent of the hon. Member opposite at the last election, with regard to some signatures which he had obtained to the petition which he had presented to this House. Mr. Scott, in his letter, referred to two voters named Bramah, who had been alluded to, and who were both now in town. Mr. Scott stated, that he had called on those persons with the petition, and had explained to them the nature of its prayer, and he believed, that at the time he was doing so they both understood him, and had their eyes on the paper itself, and, therefore, were acquainted with its contents and, that they both signed it being fully cognisant of these things, and in consequence of their being so acquainted with them; and having made this statement, he would leave the subject in the hands of the House. After the best reflection, that he could give to the statements and counter-statements, his opinion had only been shaken on one point, and he would acknowledge, that he had been mistaken as to one of the statements made to him. He alluded to that respecting Lord Minto having headed the procession, that entered Hawick; this information he found to be erroneous. With this exception he adhered to every statement, that he had made. It was the boast of the Long Parliament, that it had abolished torture; and would it not be a matter of reproach and shame to the present Parliament if it did not, by adopting the motion which he proposed, discountenance that system of contumely and indignity to which voters had been exposed in the exercise of those rights conferred upon them by the constitution, and which was utterly incompatible with the maintenance of the free institutions of this country? As lovers of those institutions, and as being anxious to preserve them, he trusted the House would sanction his motion.

The House divided:—Ayes 250; Noes 272:—Majority 22.

List of the AYES.

Acland, Sir T. D.
Acland, T. D.
A'Court, Captain
Adare, Viscount
Alford, Viscount
Alsager, Captain
Arbuthnott, hon. H.
Ashley, Lord
Attwood, W.
Attwood, M.
Bagge, W.
Bagot, hon. W.
Bailey, J., jun.
Baillie, Colonel
Baker, E.
Baring, hon. F.
Bateson, Sir R.
Bell, M.
Bentinck, Lord G.
Bethell, R.
Blackburne, I.
Blackstone, W. S.
Blair, J.
Blandford, Marq. of
Blennerhasset, A.
Boldero, H. G.
Bolling, W.
Bradshaw, J.
Bramston, T. W.
Broadley, H.
Broadwood, H.
Bruce, Lord E.
Bruges, W. H. L.
Buller, Sir J. Y.
Burr, H.
Burrell, Sir C.
Burroughes, H. N.
Calcraft, J. H.
Campbell, Sir H.
Canning, rt. hon. Sir S.
Cantalupe, Viscount
Castlereagh, Viscount
Chandos, Marquess of
Chapman, A.
Chute, W. L. W.
Clerk, Sir G.
Clive, Viscount
Clive, hon. R. H.
Codrington, C. W.
Cole, hon. A. H.
Cole, Viscount
Colquhoun, J. C.
Compton, H. C.
Conolly, E.
Copeland, Alderman
Corry, hon. H.
Courtenay, P.
Cresswell, C.
Dalrymple, Sir A.
Damer, hon. D.
Darby, G.
Darlington, Earl of
De Horsey, S. H.
Dick, Q.
D'Israeli, B.
Douglas, Sir C. E.
Douro, Marquess of
Dowdeswell, W.
Duffield, T.
Dunbar, G.
Duncombe, hon. W.
East, J. B.
Eastnor, Viscount
Eaton, R. J.
Egerton, W. T.
Egerton, Sir P.
Egerton, Lord F.
Eliot, Lord
Estcourt, T.
Estcourt, T.
Farnham, E. B.
Farrand, R.
Fector, J. M.
Feilden, W.
Fellowes, E.
Filmer, Sir E.
Fitzroy, hon. H.
Fleming, J.
Follett, Sir W.
Forrester, hon. G.
Fox, G. L.
Freshfield, J. W.
Gaskell, J. Milnes
Gladstone, W. E.
Glynne, Sir S. R.
Godson, R.
Gordon, hon. Captain
Gore, O. J. R.
Goulburn, rt. hon. H.
Graham, rt. hon. Sir J.
Grant, hon. Colonel
Greene, T.
Grimsditch, T.
Grimston, Viscount
Grimston, hon. E. H.
Hale, R. B.
Halford, H.
Harcourt, G. S.
Hardinge, rt. hn. Sir H.
Hawkes, T.
Hayes, Sir E.
Henniker, Lord
Hepburne, Sir T. B.
Herbert, hon. S.
Herries, rt. hon. J. C.
Hillsborough, Earl of
Hinde, J. H.
Hodgson, F.
Hodgson, R.
Hogg, J. W.
Holmes, hon. W. A. C.
Holmes, W.
Hope, H. T.
Hope, G. W.
Hotham, Lord
Houstoun, G.
Howard, hon. W.
Hughes, W. B.
Hurt, F.
Ingestrie, Viscount
Ingham, R.
Inglis, Sir R. H.
Irton, S.
Irving, J.
Jackson, Sergeant
James, Sir W. C.
Jenkins, R.
Jermyn, Earl
Johnstone, H.
Jones, T.
Kemble, H.
Kerrison, Sir E.
Ker, D.
Kirk, P.
Knatchbull, hn. Sir E.
Knightley, Sir C.
Lefroy, rt. hon. T.
Liddel, rt. hon. T.
Lincoln, Earl of
Litton, E.
Lockhart, A. M.
Long, W.
Lowther, hon. Colonel
Lowther, Viscount
Lowther, J. H.
Lucas, E.
Lygon, hon. General
Mackenzie, T.
Mackenzie, W. F.
Maclean, D.
Mahon, Viscount
Maidstone, Viscount
Manners, Lord C. S.
Marsland, T.
Marton, G.
Master, T. W. C.
Mathew, G. B.
Maunsell, T. P.
Maxwell, H.
Meynell, Captain
Miles, P. W. S.
Miller, W. H.
Monypenny, T. G.
Mordaunt, Sir J.
Morgan, C. M. R.
Neeld, J.
Neeld, J.
Nicholl, J.
Noel, W. M.
Norreys, Lord
Northland, Viscount
Ossulston, Lord
Owen, Sir J.
Packe, C. W.
Pakington, J. S.
Palmer, R.
Parker, M.
Parker, R. T.
Parker, T. A. W.
Patten, J. W.

Peel, rt. hon. Sir R.
Peel, J.
Pemberton, T.
Perceval, Colonel
Perceval, hon. G. J.
Pigot, R.
Planta, rt. hon. J.
Plumptre, J. P.
Polhill, F.
Pollen, Sir J. W.
Pollock, Sir F.
Powerscourt, Visc.
Praed, W. M.
Price, R.
Pringle, A.
Pusey, P.
Rae, rt. hon. Sir W.
Reid, Sir J. R.
Richards, R.
Rickford, W.
Rolleston, L.
Rose, rt. hon. Sir G.
Round, C. G.
Round, J.
Rushbrooke, Colonel
Rushout, G.
St. Paul, H.
Sanderson, R.
Scarlett, hon. J. Y.
Shaw, rt. hon. F.
Shephard, T.
Sibthorp, Colonel
Sinclair, Sir G.
Somerset, Lord G.
Spry, Sir S. T.
Stanley, E.
Stanley, Lord
Stormont, Viscount
Sturt, H. C.
Sugden, rt. hon. Sir E.
Teignmouth, Lord
Tennent, J. E.
Thompson, Alderman
Thornhill, G.
Trench, Sir F.
Vere, Sir C. B.
Verner, Colonel
Villiers, Viscount
Vivian, J. E.
Waddington, H. S.
Wall, C. B.
Walsh Sir J.
Wilbraham, hon. B.
Williams, R.
Williams, T. P.
Wood, T.
Wyndham, W.
Wynn, rt. hon. C. W.
Yorke, hon. E. T.
Young, J.
Young, Sir W.

TELLERS.

Fremantle, Sir T.
Baring, H.

List of the NOES.

Abercromby, hn.G.R.
Acheson, Viscount
Adam, Admiral
Aglionby, H. A.
Aglionby, Major
Ainsworth, P.
Alston, Rowland
Andover, Viscount
Anson, Colonel
Anson, Sir G.
Archbold, R.
Bainbridge, E. T.
Baines, E.
Ball, N.
Bannerman, A.
Barnard, E. G.
Barron, H. W.
Barry, G. S.
Beamish, F. B.
Bellew, R. M.
Berkeley, hon. H.
Berkeley, hon. G.
Berkeley, hon. C.
Bernal, R.
Bewes, T.
Blackett, C.
Blake, M. J.
Blake, W. J.
Blunt, Sir C.
Bodkin, J. J.
Bowes, J.
Brabazon, Lord
Brabazon, Sir W.
Bridgeman, H.
Briscoe, J. I.
Brocklehurst, J.
Brodie, W. B.
Brotherton, J.
Browne, R. D.
Bryan, G.
Buller, E.
Bulwer, E. L.
Busfield, W.
Butler, hon. Colonel
Byng, G.
Byng, rt. hon. G. S.
Callaghan, D.
Campbell, Sir J.
Campbell, W. F.
Carnac, Sir J. R.
Cave, R. O.
Cavendish, hon. C.
Cavendish, hn. G. H.
Cayley, E. S.
Chalmers, P.
Chapman, Sir M. L. C.
Chester, H.
Chetwynd, Major
Childers, J. W.
Clay, W.
Clayton, Sir W. R.
Clements, Viscount
Collier, J.
Collins, W.
Colquhoun, Sir J.
Craig, W. G.
Crawford, W.
Curry, W.
Dalmeny, Lord
Dashwood, G. H.
Davies, Colonel
Denison, W. J.
D'Eyncourt, rt. hon. C.
Divett, E.
Duff, J.
Duke, Sir J.
Duncan, Viscount
Duncombe, T.
Dundas, C. W. D.
Dundas, F.
Dundas, hon. J. C.
Dundas, hon. T.
Dunlop, J.
Edwards, J.
Elliot, hon. J. E.
Ellice, Captain A.
Ellice, rt. hon. E.
Erle, W.
Etwall, Ralph
Evans, G.
Evans, W.
Fazakerley, J. N.
Ferguson, Sir R. A.
Fergusson, rt. hon. R. C.
Finch, F.
Fitzalan, Lord
Fitzroy, Lord C.
Fleetwood, P. H.
Gillon, W. D.
Gordon, R.
Grattan, J.
Grattan, H.
Greenaway, C.
Grey, Sir C. E.
Grey, Sir G.
Guest, J. J.
Hall, B.
Hallyburton, Ld. D. G.
Handley, H.
Harland, W. C.
Harvey, D. W.
Hastie, A.
Hawes, B.
Hawkins, J. H.
Hayter, W. G.
Heathcoat, J.
Hector, C. J.
Heneage, E.
Heron, Sir R.
Hill, Lord A. M. C.
Hobhouse, rt. hn. Sir J.
Hobhouse, T. B.
Hodges, T. L.
Hollond, R.
Horsman, E.
Hoskins, K.
Howard, P. H.
Howard, R.
Hume, J.
Humphrey, J.
Hurst, R. H.
Hutt, W.
Hutton, R.
James, W.
Johnson, General
Labouchere, rt. hon. H.
Lambton, H.
Langdale, hon. C.
Leader, J. T.
Lemon, Sir C.
Lennox, Lord G.
Lister, E. C.
Loch, J.
Lushington, Dr.
Lushington, C.
Lynch, A. H.
M'Leod, R.
Macnamara, Major
M'Taggart, J.
Maher, J.
Marshall, W.
Marsland, H.
Martin, J.
Maule, W. H.
Melgund, Viscount
Mildmay, St. P. J.
Milton, Viscount
Morpeth, Viscount
Morris, D.
Murray, rt. hon. J. A.
Muskett, G. A.
Nagle, Sir R.
O'Brien, C.
O'Brien, W. S.
O'Callaghan, hon. C.
O'Connell, D.
O'Connell, J.
O'Connell, M. J.
O'Connell, Morgan
O'Connell, Maurice
O'Ferrall, R. M.
Ord, W. H.
Paget, Lord A.
Paget, F.
Palmer, C. F.
Palmerston, Visc.
Parker, J.
Parnell, rt. hon. Sir H.
Parrott, J.
Pattison, J.
Pease, J.
Pechell, Captain
Pendarves, E. W. W.
Philips, Sir R.
Philips, M.
Philips, G. R.
Phillpots, J.
Pinney, W.
Ponsonby, hon. J.
Power, J.
Power, John
Price, Sir R.
Pryme, G.
Ramsbotton, J.
Redington, T. N.
Rice, rt. hon. T. S.
Rich, H.
Roche, E. B.

Roche, W.
Rolfe Sir R. M.
Rumbold, C. E.
Rundle, J.
Russell, Lord John
Russell, Lord
Russell, Lord C.
Salwey, Colonel
Scrope, G. P.
Seymour, Lord
Sharpe, General
Sheil, R. L.
Smith, J. A.
Smith, B.
Smith, hon. R.
Smith, R. V.
Somers, J. P.
Somerville, Sir M. W.
Spiers, A.
Spencer, hon. F.
Standish, C.
Stanley, M.
Stanley, W. O.
Stansfield, W. R C.
Staunton, Sir G. T.
Stuart, Lord
Stuart, M.
Strangways, hon. J.
Strickland, Sir G.
Strutt, B.
Style, Sir C.
Surrey, Earl of
Talbot, C. R. M.
Talbot, J. H.
Tancred, H. W.
Thomson, rt. hn. C. P.
Thornely, T.
Tollemache, F. J.
Townley, R. G.
Troubridge, Sir E. T.
Turner, E.
Turner, W.
Verney, Sir H.
Vigors, N. A.
Villiers, C. P.
Vivian, Major C.
Vivian, J. H.
Vivian, rt. hon. Sir R.
Walker, C. A.
Walker, R.
Wallace, R.
Warburton, H.
Ward, H. G.
Weymss, J. E.
Westenra, hon. H. R.
Westenra, hon. J. C.
White, A.
White, L.
White, S.
Wilbraham, G.
Wilde, Sergeant
Williams, W.
Williams, W. A.
Wilshere, W.
Winnington, T. E.
Winnington, H. J.
Wood, C.
Wood, Sir M.
Wood, G. W.
Worsley, Lord
Woulfe, Sergeant
Wrightson, W. B
Wyse, T.
Yates, J. A.

TELLERS.

Stanley, E. J.
Steuart, R.

Paired off.

FOR.	AGAINST.
Barneby, J.	Duckworth, S.
Sandon, Lord	Hindley, C.

HOUSE OF LORDS,

Monday, May 28, 1838.

MINUTES.] Petitions presented. By Earl GREY, from Blythe, and a number of places in Somersetshire, by Earl FITZWILLIAM, from several places in Yorkshire, by the Marquess of SLIGO, from Huntingdon, and the Earl of MORLEY, the Earl of CAWDOR, the Marquess of WESTMINSTER, the Earl of CHICHESTER, the Bishop of DURHAM, and other noble LORDS, from a number of places, for the Immediate Abolition of Negro Slavery.—By the Duke of WELLINGTON, the Earl of WICKLOW, the Earl of CARBERRY, and the Marquess of ANGLESEA, from several places in Ireland, against the Poor-law for Ireland. —By the Earl of CAWDOR, from Nairn, and by the Earl of HAREWOOD, from a place in Yorkshire, for reduction in the rates of Postage.—By the Bishop of SALISBURY, from the Clergy of the Archdeaconry of Sarum, and from the Clergy of the same Diocese, against carrying some of the recommendations of the Ecclesiastical Commission into effect.

THE CORONATION.] The Marquess of *Londonderry* presented a petition from the merchants, manufacturers, tradesmen, and other inhabitants of London, praying that the Coronation might be postponed until the month of August; and that it might then be conducted on a scale of grandeur befitting the occasion. The noble Marquess expressed his deep regret, that her Majesty's Government had taken the course which they had adoped on this subject. They had refused to listen to representations such as that which he had just submitted to their Lordships. Considering the expense to which the representatives of several foreign governments were going in preparations for the occurrence, the country ought, in his opinion, to meet it with correspondent splendor.

Earl *Fitzwilliam* said, when the noble Marquess stated that he came down with a petition praying for the postponement of the coronation, he (Earl Fitzwilliam) expected that the noble Marquess would lay grounds of a legal, constitutional, and he might almost say, international, character, for agreeing to the prayer of that petition. Instead of that, it appeared, that the only question at issue was a question of pounds, shillings, and pence. The only question was, whether the tradesmen of London and Westminster should keep their Lordships in town until August instead of until July. He viewed the ceremony of a coronation as little better than an idle and ridiculous pageant. ["*Hear, hear!*"] Was the loyalty of the noble Lords who cried "hear!" incomplete? Would it be added to one iota by the idle ceremony of placing coronets upon their heads, and compelling them to walk in a ridiculous procession? He repeated, that coronations were fit only for barbarous, or semi-barbarous ages; for periods when crowns were won and lost by unruly violence and ferocious contests; for periods in our Anglo-Saxon and Anglo-Norman history, when some daring usurper placed on his brow the crown of his deceased brother, at Winchester or elsewhere, in defiance of the claims of the rightful heir; and when the half-educated people tamely acquiesced in the spurious claim. But who believed that her Majesty's title to the crown would be strengthened an iota by the idle pageant in contemplation? He believed, that the illustrious person who was its principal object, had too much good sense, and had been too well educated, to attach any mighty value or importance to this absurd ceremony. She knew she reigned in the hearts of her subjects, and that such influence could not be strengthened by the proposed means. Indeed, he did not feel quite sure that the exhibition of a youthful princess, to be stared at for hours by a large assemblage of the people, was exactly the mode of impressing the thinking portion of her subjects with strong notions of female delicacy and propriety. He wished their Lordships would exhibit more courage on the occasion. He wished they would approach her Majesty, and tell her how glorious an example she might set if she would at once do away with what had no connexion whatever with the real dignity of the Crown, or with her real influence over the hearts of her subjects. As to the expense of the ceremony that was a subject of minor importance. It was not for her Majesty to expose her subjects to so uncalled for an expenditure, however much it might be required by her royal predecessors in the barbarous times of our history.

The Marquess of *Salisbury* was astonished to hear the noble Earl talk of the solemn compact between the sovereign and the nation, entered into at the coronation, as a useless pageant, fit only for semi-barbarous ages. [Earl *Fitzwilliam*: not the compact—the ceremonial.] He believed, that the general opinion of the people of England was entirely different from that of the noble Earl. What affected him most was, not the idle taunts of the noble Earl (for idle he must call them), but that it should be publicly held out to the world that this great country was in so paltry a condition that it was unable to afford a dinner to its Sovereign on so important an occasion. He thanked God, however, that her Majesty's Ministers had not relinquished the sacred part of the ceremony; he thanked God, too, that his Sovereign would discharge her duty.

Lord *Cloncurry* thought, that Ministers had done quite right to keep economy in view in respect to the coronation. It was also desirable not to protract the return of individuals to a country from which they had been too long absent.

The Marquess of *Londonderry* asked whether he was to understand the noble Earl opposite to be of opinion that there ought to be no coronation at all?

Earl Fitzwilliam answered in the affirmative.

The Marquess of *Londonderry* said, that he supposed the noble Earl was prepared to follow up the proposition by moving that there ought to be no Lord Fitzwilliam at all.

Petition to be laid on the Table.

Poor-law (Ireland).] The order of the day having been read for a Committee on the Poor-law (Ireland) Bill,

The Earl of *Roden* hoped he should not be considered as guilty of deception when he said, that no noble Lord possessed greater facilities than he did of knowing the general sentiments of the people of Ireland; and with respect to this bill particularly he claimed a peculiar right to that knowledge; for when he read it, after it had passed through the committee in the other House, he procured copies of it and sent them to Ireland, in order to ascertain the opinions of all classes in that country upon the measure. That the bill was unpopular with all classes in Ireland was sufficiently attested by the petitions lying on the table. All those petitions condemned the measure principally on the ground of its giving most arbitrary power to irresponsible commissioners, and establishing a rate which must be destructive to the property of half the gentry of Ireland. Instead of being called a bill for the relief of the destitute poor of Ireland, it ought to be termed a bill for the promotion of penury and agitation in that country. The measure would be detrimental to the poor themselves, because it would inevitably sap the best foundation of their relief—private charity. They were now living on the verge of a great crisis, and even in the vigilance of Parliament, be it ever so vigilant, he now saw no security whatever, and he, for one, would never trust his property to such a security. That same argument of the vigilance of Parliament had been used when the Irish Constabulary Bill passed that House; but what had been the result? Had the vigilance of Parliament interfered to prevent the Irish executive from driving from his important situation Colonel Shaw Kennedy, whose sole offence was, that he had endeavoured to protect his officer, Captain Vignolles, from the machinations of the Carlow priesthood. So strongly objectionable was the bill in every point of view, that he felt he should not be discharging his duty if he did not move that it be committed that day six months, One of the provisions of the bill proposed that the rate should be levied according to the rental of the land. Now he knew of one case in which an Irish resident had the name of possessing an estate of 5,000*l.* a-year, but who, in mortages, annuities, and charges on it, paid away annually no less than 4,500*l.* a-year, and consequently only received for his own use 500*l.* a-year. Now, would their Lordships sanction the gross injustice of making this individual pay a rate calculated upon his rental, and not on what he actually received from his property. He hoped that their Lordships would not allow themselves to be influenced by the demon of party, but calmly and dispassionately consider the motion which he should now, in discharge of what he felt a most solemn duty, submit to their notice. The noble Earl concluded by moving, that the bill be committed that day six months.

The Earl of *Winchilsea* had voted in favour of the second reading of the bill before their Lordships, with the view of expressing his approval of the principle that some measure of poor-laws was necessary for Ireland; but in doing so he had no intention whatever of giving his sanction to the specific measure now before their Lordships. To several of the provisions of that measure he was very strongly opposed, and, above all, he could never sanction the principle of giving to a single commissioner a higher power than was confided to any one branch of the Legislature. What was the power given to the commissioners? Why, that any law they should think proper to pass should not be repealed unless by Act of Parliament. What might be the result? The commission might adopt some rules and regulations which their Lordships might afterwards think of a most arbitrary and despotic character, but were they sure they would be so viewed in another place, and that their efforts to bring about the repeal might not be met by a refusal on the part of the House of Commons. Even though the English bill were a measure adapted to Ireland, which he did not believe, there were circumstances in the condition of the two countries which would render the same measure unfit for both. In England there was a large resident gentry who applied themselves to watch the operation of the bill, and through their means many of its bad points were guarded against; but in Ireland there was no such resident gentry to check the errors of the commissioners. If, however, their Lordships should decide upon going into a committee, he hoped they would confine themselves to devise some measure for giving relief exclusively to the indigent and sick poor.

The Earl of *Wicklow*, considering that all the petitions presented on this subject prayed for the enactment of some poor-law, though they were directed against the present bill—some to the whole of it, and others to part only; and considering too the vote to which they had already come, thought they should be stultifying their own proceedings if they refused to go into committee. It was quite true, that the bill would produce a severe effect on the holders of property. He was quite aware that there were many individuals who had mortgages, settlements, and other incumbrances of a pecuniary nature on their estates, that must make a measure of this kind exceedingly severe; but he could not understand what mode of legislation they could adopt which would not have that effect. What was the meaning of a poor-law? An assessment on property for the maintenance of the poor. How could such a tax be imposed without causing some embarrassment to those who possessed property? It was perfectly true, that the powers of the commissioners were enormous and frightful; but whatever system of legislation they chose they must grant large powers to those who should carry it into operation. The exercise of the power of the commissioners, too, must last a considerable time, but this power of the commissioners of poor-laws in England would expire in one year. The Crown had not the power of renewing it. Was it likely that Parliament would renew it? How could they undertake to say, that Parliament would not place the measure in this situation—that a commencement should have been made with regard to a poor-law, and the power of working it out to a conclusion taken away? The extent to which relief should be given had cost him much deliberation, and on it he had changed his opinion more than once; but he had at last come to the conclusion, that if there was any chance of this bill working beneficially, and also economically, relief must be given to those classes which the bill contemplated. He thought the line of distinction which was drawn as to destitution was the best which could be selected. He was convinced, also, that the bill would operate much more economically when a rate was instituted for a charge of this description, than if a right to relief were conferred on different classes of impotent persons, the immediate result of which must be to make the discipline of the workhouses of a totally different character from that which was now intended. No Legislature—no commissioners—no board of guardians — could ever be fairly required to introduce into the poor-house such a degree of severity as to make it the test of destitution. Let the number of those workhouses be what they might—let them be as capacious as they might—still, if the right to relief was to be regulated in the manner sometimes proposed—giving different classes of indigent a claim to be supported—the workhouses would be filled to overflowing, and there would be no hope of any vacancy in them. Such a mode of proceeding would establish a constructive right, and it would be impossible to refuse either admittance to the workhouse or out-door relief, because, by naming certain classes a right in them was implied. Now, this bill gave no right whatever: the destitute were those who alone could claim relief, and they preferred their claim subject to the conditions imposed by the commissioners and guardians of the union. He thought, however, the only way in which they could make it the interest of the rate-payers to become guardians was to place the whole assessment on the occupiers. This bill, contrary to the English measure, divided the burden between the occupier and the landlord. Now, he would place the whole of the tithes on the landlord, and this relief to the occupier he would have counterbalanced by imposing on him the sole charge of supporting the poor. He did not expect that this proposal would meet with much favour; but he was as convinced, that it was the best mode of settling the agitating question of tithes. He must oppose his noble Friend's proposition.

Earl *Stanhope*, opposed as he had been to the unchristian and inhuman poor-law of this country, was unwilling, that any measure founded on it as a model should be introduced into Ireland. When he saw there was no native capital in the latter country; that there was little hope of creating it from the habits and condition of the people; and, most of all, when he regarded the insecurity of life and property, which must prevent the capital of any other country from being infused into it, he did not know how any one with a show of reason or justice could contend, that the non-employment of the labourer was a proof of his indisposition to work. Was it not known, that in that ill-fated and ill-governed country a greater degree of wretchedness was to be found than in any of the civilised countries of Europe; and if the unfortunate peasant was now obliged to sleep on the bare earth covered with a little straw, was it intended that he should, when removed to the workhouse, be deprived of even this scanty covering? If his food consisted of a little salt and potatoes, was it intended, that in the workhouse he should have no salt, and that the quantum of potatoes which he could now procure was to be diminished? There was almost no extremity of distress which the Irish would not endure before they submitted to go into these workhouses. If despair should drive them to such an alternative, those who were practically acquainted with the country thought that if the poor were prevailed on to enter the workhouse, they would do so only for the purpose of destroying them by fire or demolishing them by force. There were districts in this country in which the Government did not dare to carry the provisions of the poor-law into operation, and he should wish to know what district there was in Ireland, even the most favoured, prosperous, and tranquil, in which this law could be carried into execution without violence—without the danger, nay the certainty of open resistance. By this bill powers were given to the commissioners of so arbitrary and despotic a character, that it depended on their free-will and pleasure whether the whole landed property of Ireland should or should not be confiscated. Let them proceed with this bill, and they might be assured, that the time was not far distant when the estates of their Lordships and of the other landed proprietors, whether in this country or in Ireland would be subjected, if not to confiscation, at least to partition. He would ask whether they were prepared when they knew what feelings the new poor-law bill had engendered—feelings which could not fail to be shown, perhaps, in a manner most formidable to encounter whenever an opportunity occurred—he wished to know, he repeated, whether they were desirous to hand over, bound hand and foot, all the labouring population of Ireland to the power of three commissioners, to dispose of them as they might wish or determine? Though he was opposed as strongly as it was possible to the present bill, there was no man more anxious than he was for the enactment of a proper poor-law for Ireland. He considered it of all measures the most necessary to ensure the tranquillity and welfare of that country; to heal its wounds, to calm the agitation that existed, and to give that security to life and property which, under present circumstances, it was found impossible to afford. He went farther, and said, not only was it indispensably requisite to grant a poor-law for Ireland, but that the Irish, like every other people, had a clear, undoubted, indefeasible right to demand it; and by a poor-law he meant conjointly relief and employment. Having expressed such strong opposition to the present bill, he should now state what were the measures which he thought ought to be adopted. It was undoubtedly true, that the labourers of Ireland had a right to demand a poor-law; but it was the duty of their Lordships to take care, that in doing justice to the labourers of Ireland, they did not inflict injustice on the landlords and confiscate their property. Their Lordships ought to reflect that by long and culpable neglect this evil had now attained a most formidable and portentous magnitude, and if they admitted by a poor-law the right to relief in all classes of the destitute—and those were equally deserving of assistance who could not obtain work as well as those who were unable to perform it—the consequence would be a complete annihilation of landed property, and the ruin of those labouring classes whose interests they professed to promote. He should, therefore, humbly submit to their Lordships, that the right should, in the first instance, be limited to those who were incapable of labour; that instead of the present cumbrous machinery of three commissioners and boards of guardians, the plainest, simplest, and safest plan was to allow the inhabitants to tax themselves—the surest protection against the imposition of too heavy burdens; and that the middle man should be exclusively subject to the tax, the occupier and landlord being exempted from it. With respect to the other branch of his plan, the employment which he proposed he did not mean to have supplied through the medium of workhouses, but through works which would yield a profitable return, such as deepening rivers, improving roads and waste lands, the expenses to be defrayed by rate imposed by the grand juries, who were to regulate its amount. For his own part he was convinced that this measure was so radically and entirely absurd and vicious, that he could not see any hope of modifying it in Committee in such a form as to be fit to pass. He should, therefore, heartily support the proposition of the noble Earl for its postponement.

Lord *Fitzgerald* earnestly pressed his noble Friend not to persevere in taking the sense of the House on the present occasion. He thought it far better that they should be allowed to reserve their strength to amend the bill in its most important provisions, than that he and many others of their Lordships should be forced to a general division on the Bill, in respect of many of the provisions of which he, for one, could not agree with his noble Friend.

The Earl of *Macclesfield* had intended to have voted (as we understood) in favour of the second reading of this bill, upon the ground that it was expedient to make provision for the destitute poor of Ireland; but he heard remarks in the course of the debate as to the deduction to be made from such a vote, that he considered it inexpedient, and, indeed, impossible, for him to vote in favour of the bill; and, therefore, he did not vote at all. It appeared, now, that the principle of the bill was, that a permanent provision should be made for the poor of Ireland by a compulsory assessment. That he thought was not the best way of making a provision of the kind, and he also thought that the introduction of a poor-law into a country in which it was hitherto unknown, was in itself a matter requiring great caution, and of doubtful policy. He thought that it would not be prudent to introduce the poor-law into Ireland. He begged to assure their Lordships, that his objection to introducing the poor-law into Ireland did not originate in any want of sympathy for the suffering poor of that country, but, because, in his opinion, the experience of poor-laws, both in this and other countries where they had been tried, had shown that they had increased pauperism, which it was the avowed object of such enactment to ameliorate or reduce.

The Duke of *Wellington* said, that it appeared to be generally admitted by all the noble Lords who had addressed the House on this subject, except the noble Earl who had spoken last, that it was desirable for their Lordships to take into consideration, in the course of the present Session, the subject of the poor of Ireland. This subject had also been recommended to their Lordships by nearly all the petitions which had been presented in reference to the matter to both Houses of Parliament; but more particularly in those presented to this House—notwithstanding the objections which were stated in many of the petitions to the provisions of this particular measure. This measure came up to their Lordships, having passed the other House of Parliament by a very large majority—the largest majority, he believed, which had agreed on any subject for a considerable number of years—it had been under discussion in a former Session, and during four months of the present Session—it had been supported by her Majesty's Government—and it had been considered in the other House as well as in this solely on its merits, and without reference to any party considerations; he would, therefore, humbly submit to their Lordships that, having given this bill a second reading, it was expedient for them to allow it to go into Committee, and there state and consider all the objections which would be raised against any of the clauses, and then amend them, if they thought fit. Their Lordships might consider the bill again in its future stages, and if it did not then meet with their Lordships' approval, they might, if they thought fit, postpone it to a future Session. But, in the meantime, their Lordships should deal fairly with the bill, and let it have consideration. He would beg leave to submit that those who intended so to deal with this bill as that it should not further be taken into consideration, were bound to introduce another bill on this subject in the course of the present Session, and within the period in which the committee, taking into account also the holidays, would be likely to be sitting on the bill. He knew the noble Earl (Earl Stanhope) could do so now if he thought proper; for he had already given the sketch of a measure on this subject to their Lordships. There had, likewise, been a commission on the subject, out of whose inquiries and recommendations, if approved of, there could be little difficulty in framing a bill. After all which had been said and done in the other House of Parliament, and also in their Lordships' House, another bill must be brought in, if it were intended to reject the present measure. He had some amendments to propose in the bill, but he thought they should give it fair play, and not allow party or any other extraneous considerations to influence them in their treatment of this subject.

Earl *Stanhope* thought the noble Duke overlooked the circumstance that he could not bring in such a bill, because it related to the raising and expenditure of public money. He should have no objection, however, to move a series of resolutions on the subject as the groundwork of a bill.

The Marquess of *Londonderry* said, that the noble Duke having spoken of the large majority by which this bill had been carried in the other House of Parliament, he begged to point their Lordships' attention to the construction of that majority. The noble Marquess was then proceeding to read over a list, referring to the counties whose Members had voted on this subject, when

The Earl of *Mansfield* rose to order. He apprehended that no part of the proceedings in the other House of Parliament should be made the subject of comment in this House.

The Marquess of *Londonderry* bowed to the opinion of their Lordships, and would not press the point.

The Marquess of *Clanricarde* defied the supporters of this bill to support it by any calculations—he defied them to show that the feeling of Ireland was in favour of it, or that the bill, if passed, could be made to work in any part of her Majesty's dominions. He could assure their Lordships, that the landowners and gentry of Ireland entertained the firmest conviction that their Lordships would either throw out or materially alter this bill. To show the alarm which prevailed in Ireland on this subject, he knew as a fact that proceedings were already being taken to a very great extent for ejecting tenants of the poorer class. The objections he entertained against this measure were so interwoven with every clause, from the preamble to the end, that it would be impossible for them adequately to be considered in time. He should, therefore, certainly persist in moving an instruction to the Committee after the motion of the noble Earl was disposed of.

Lord *Wynford* did not consider that

this bill pledged the House to grant relief to the poor of Ireland in any particular mode, and he was desirous of going into committee, in order that they might inquire in what mode relief could be best administered. He was strongly opposed to giving an English board of commissioners the power of regulating the proceedings of the Irish boards of guardians. He did not think that this part of the measure could be satisfactory to the people of Ireland. He must also say, that he could not consent to the workhouse system, which in this bill was worse than in the English bill; for by this bill no out-door relief whatever could be given, and their Lordships knew that in many cases out-door relief was far less expensive than compelling persons requiring relief to enter the workhouse. The bill, as it stood at present, was a mockery and an insult to the people of Ireland; for whilst they admitted that there were 2,000,000 of paupers in Ireland, this bill provided the means of relief for not more than 80,000. If only 80,000 persons were relieved, when 2,000,000 required relief, those who were left without relief would find their situation worse than at present by the contrast. There was another part of the bill which appeared to him very objectionable. By the bill as it stood, mortgaged property was exempted from the payment of poor-rates. Now, he did not see why mortgagees should not contribute to the rates as well as others; and when the bill was in committee he would propose a clause to that effect. He would vote for going into committee; but he begged not to be understood to concur in those parts of the measure to which he had referred by the vote which he was about to give.

The Marquess of *Clanricarde* moved as an amendment to the amendment before the House, " That it be an instruction to the committee to limit the relief to be afforded under this bill to the cases of orphans of tender age, or persons who, through old age or bodily infirmity or defect, are unable to support themselves."

After a short discussion as to whether an amendment could be moved upon an amendment, the Earl of Roden withdrew his amendment, and the Marquess of Clanricarde postponed his amendment until the House was in Committee.

The House in Committee.

On the question that the preamble be postponed,

Earl *Fitzwilliam* wished at this period to state his views of the alterations which ought to be made in the bill. It appeared to him, judging from the preamble, that legislators did not like very much to state the grounds on which they were proceeding, for this preamble merely stated, that it was expedient to provide for the more effectual relief of the destitute poor of Ireland. It was proposed to vest the administration of the bill in the hands of the poor-law commissioners, and it appeared to him, that the poor-law commissioners of England and Wales, were the best original authority they could have in the administration of this bill, into whatever shape it should be moulded. In order to know this, he thought it desirable, that they should alter the preamble of the bill, for he thought, that their Lordships ought to have in their minds the grounds on which they thought it desirable to legislate. The preamble which he would propose to prefix to the bill, was to the following effect:—" Whereas there are no funds which can be legally applied to the relief of destitute persons in Ireland, and whereas there are no public officers responsible for the care and relief of such destitute persons; and whereas such poor and destitute persons are either through disease or bodily infirmity rendered incapable of maintaining themselves, and whereas it is expedient that some remedy should be devised for the same; be it therefore enacted, that the poor-law commissioners shall take such and such steps." He thought that, in the first place, it would be desirable, that the poor-law commissioners should divide the whole of Ireland into such districts or unions as should be most convenient for the administration of this bill, in whatever form they should ultimately pass it. He should, therefore, after it was agreed to, postpone the preamble, move, that the first clause of the bill be omitted, for the purpose of introducing a clause to this effect.

Preamble postponed.

On the first clause,

The Earl of *Wicklow* wished to inquire of the noble Viscount (Viscount Melbourne) how it was intended, that the commissioners should carry this law into effect? Their Lordships knew that the commission would expire at the end of five years from its first date, and he should, therefore, like to know what security the Government could give to Ireland, that this measure would be placed in the hands of the commissioners to be carried into effect?

Viscount *Melbourne* said, that they passed the English bill, in the confidence that the poor-law commissioners would be continued. The best authority he could give for this, was the general approbation of the country.

Earl *Fitzwilliam* said, his decided opinion was, that this bill ought to be administered through the medium of the poor-law commissioners as established. He thought it desirable that the ultimate authority of appeal should be in England, not Ireland, however desirable it might be to have an off-set from Somerset-house sitting in Dublin. The mode in which he would suggest to amend the first clause would be to insert these words, "That the poor-law commissioners for England and Wales be empowered, and are hereby required, to form districts or unions throughout Ireland, for the relief of the disabled and destitute poor; and whereas it appears that the boundaries of counties, baronies, and parishes, may not always contain the most convenient limits for such districts; be it enacted, that no regard be had, except where convenient, to such boundaries, and that no parish or townland be divided between two or more districts, but that in all cases the whole of every townland be comprised within the same district or union." He should propose that the discussion on all the clauses, until the 41st, should be postponed, and that they should at once proceed to discuss the 41st clause. He intended to substitute the word "almshouse" for "workhouse." He intended, also, to strike the word "destitute" out of the 3d, 6th, 15th, and 17th clauses.

Lord *Fitzgerald* thought the word "poorhouse" would be better.

Earl *Fitzwilliam* would adopt the suggestion.

Lord *Lyndhurst* supported the postponement of the first clause.

The Marquess of *Londonderry* thought, from the manner in which the noble Earl was acting with respect to the bill, that he was rather "a snake in the grass." He was satisfied that their Lordships would do nothing with the bill, but would make it one of the most abominable bills that had ever passed that House.

The Marquess of *Clanricarde* was in favour of their immediate discussion of the 41st clause, as it contained the principle of the bill.

The Marquess of *Lansdowne*, considered that all the clauses ought to be postponed to the 41st clause. When they decided that, they might know what alterations it was necessary to make.

Lord *Fitzgerald* supported the postponement of the clauses.

Earl *Stanhope* was against the postponement of the clauses.

Their Lordships divided:—Contents 101; Not-Contents 4: Majority 97.

Clauses postponed.

On the 41st Clause,

Earl *Fitzwilliam* proposed, that the word "workhouse" should be altered into "poor-house." The mode in which he proposed to alter the 41st clause was this, "That when the commissioners shall have declared that any poorhouse" (instead of workhouse) "be fit for the reception of the poor" (leaving out the word destitute) and not before, it shall be lawful for the guardians at their discretion, but subject in all cases to the orders of the commissioners, to take order for the relieving (leaving out the setting to work) "such persons in the poorhouse" (leaving out the words) "destitute and unable to maintain themselves." To this clause he proposed to add the proviso—provided, also, that it shall not be lawful for the guardians to receive persons into the poorhouse of the district or union, unless such persons shall be (and he should be prepared to enumerate them) either blind, or deaf, or dumb, or deprived of their joints, legs, or arms, or paralytic; or if a man that he should be above the age of sixty years; or if a woman, over fifty years; or an orphan, under twelve years; and if persons not coming within this description be received by the guardians of the poorhouse, it shall be lawful for any three or more of the ratepayers to appeal against the rate, and such rate shall, if the fact be proved before the justices at quarter Sessions, be quashed. By this he proposed to give a remedy against the guardians, if they admitted improper persons into the poorhouse. He had also to observe, that though he had taken much pains in the specification, yet he thought it was extremely probable that the enumeration was imperfect, and he should not object to receive any suggestions which noble Lords might offer him upon this point. He felt the highest respect for the Irish people. It was impossible to have any intercourse with them, and more particularly with the lower classes, and not be inspired with love for their kind and benevolent qualities. But with all his admiration of the Irish character, he did believe, that if their Lordships established a compulsory rate for the relief of the poor in that country, if they built workhouses, and gave to any person who might be in a state of destitution a right to claim relief, it would be an experiment not only dangerous with regard to the rate-payers, but mischievous in the highest degree with regard to those in whose favour such a system of relief was established. If there was a country in the world in which it was desirable to call upon men to look to their own resources he should say, that that country was Ireland. He believed that it would be impossible to establish a system of workhouse relief among that people without being driven in a very short time to granting out-door relief also. The establishing of in-door-relief for the able-bodied was founded upon the principle of destitution on the part of the able-bodied. Now grant him that principle, and let him have the workhouses in the different districts of the country full, and then let there be one of those famines from which Ireland was hardly exempt for a single year, and he should consider that man very sanguine indeed if he expected to pass over twelve months without being compelled to grant that very out-door relief, the consequence of which Mr. Nicholls had told their Lordships would be to convert the whole mass of the Irish population into a race of paupers. If he were to be called upon to mention the country in which he thought a poor-law could be safely introduced, he should say, that it ought to be a country in which wealth, or at least competence, was the rule, and destitution the exception. Now, no one could say, that this was the present state of Ireland. He sincerely hoped that it would one day be so; but in Ireland he believed everybody would admit that poverty was the rule, and competency the exception. He did not agree with the noble Earl opposite (the Earl of Wicklow) who was equally with himself connected with the counties of Wexford and Wicklow, in the opinion that the whole burden of the rate ought to go upon the tenant; on the contrary, his opinion was, that the rate ought to be imposed entirely on the landlord. The noble Earl concluded by moving an amendment in the words above mentioned.

Lord *Wynford* said, that a man had as much right to ask for relief if his destitution arose from want of employment, as if it arose from bodily infirmity; and it could not be justified to allow such a man to starve for want of such relief. There was no need to establish workhouses as a test of destitution in Ireland, because it was admitted, that there were two millions of poor in Ireland actually starving from want; and to suffer such a state of things to go on would be neither more nor less than national murder. Ireland could never be in a state of quiet until capital was introduced into that country, and that would never be the case until some provision was made to relieve the wants of the poor. It had been said in the course of these debates that England had gone on increasing in wealth in spite of the poor-laws, but he would contend that prosperity was, to a great extent, the result of the poor-law. If he stood alone, he should oppose the amendment of the noble Earl.

Lord *Fitzgerald* and *Vesci* was deeply anxious to explain the necessity which he felt of differing from the noble Duke, and many of those noble Friends with whom he generally concurred, and he was also deeply anxious for the people of Ireland, that their Lordships should not adopt a measure, to use the words of a noble Lord, which would mock the people of Ireland, which was the case by the bill which was now offered to them. He took the same view of the clause before their Lordships, as had been taken by the noble Earl who proposed the present amendment. Nothing could be more dangerous than the extraordinary power which was given to the commissioners; and was it not an extraordinary circumstance, that, when the Government had determined to legislate on this subject, they did so in all the various details, not only contrary to the opinions of the commissioners, but contrary also to the evidence adduced. This observation was applicable to all parts of the bill upon those points on which there was a concurrence of opinion between the commissioners who inquired into the state of the poor, and Mr. Nichols. There were many recommendations in which they both concurred, but which were equally overthrown by the Government. In the first place, as regarded emigration, on that important question, the commissioners and Mr. Nichols agreed that it was the only means of relieving the distress which arose from a superabundance of population. They recommended, that means should be afforded by the State, to relieve this superabundance. But this great recommendation was entirely left out of the bill, with the exception of the taxation of 1*s*. Let their Lordships recollect, that emigration would necessarily take place from the most impoverished districts, where this charge, in addition to the other rates, could least be borne, and this without any law of settlement—without the rate-payers being able to protect themselves, after they had incurred the expense arising from relieving themselves from their own superabundant population, from being immediately overwhelmed by incursions from the next barony or townland, and thus having the void filled up which they had voluntarily charged themselves to create. Such was the result of the joint recommendation of the commissioners, and Mr. Nichols, on the head of emigration. The next point on which they agreed was, the promotion of industry and labour, by employing the poor on useful public works; and he did consider, that if the Government had turned its attention to the subject, some relief might be obtained. There was another proposition, which was made by the commissioners, which deeply concerned the people, and the poor of Ireland, which was connected with the clause under their Lordships' consideration, more particularly if their Lordships adopted the proposition of the noble Earl—namely, with regard to the medical charities of Ireland. Far be it from him to underrate the distress which existed in that country—he would not say it had been exaggerated, because that term would imply a desire to say more than truth could justify; but he would say, that distress had been highly coloured by sanguine and benevolent men. He certainly should be glad to see some of the enactments of this bill connected with these charities, so that the guardians, and those who had the care of the poor, should have a share in the management of these charities. From an account which he held in his hand, it appeared that in the year before last, the aggregate amount levied, by grand jury presentments for these charities, was 155,000*l*., independent of dispensaries, lunatic asylums, fever hospitals, and the House of Industry in Dublin, which latter establishment was carried on at an expense of 20,000*l*. per annum, and all of which were supported by voluntary contributions. Into the fever institutions, it appeared, in the year 1836 there had been received above 30,000 patients, while the number of external patients relieved amounted to no less a number than 1,240,000. He was far from desirous of underrating or understating the distress which prevailed in Ireland, but that distress was rather partial than general. But he must not be told by any man, particularly by those who had not visited that country, that no provision was made to assist and relieve the poor, when he had shown, that in one year, no less a number than 1,240,000 external patients had been relieved by these charities. He regretted, therefore, that these charities had not been connected with some of the enactments of the bill, and he should not be deterred, at a future stage of it, from proposing some amendments, in order to connect them. He certainly should have proposed an amendment to the present clause, if he had not been anticipated by the noble Earl, and he yet might be inclined to do so, if the object were not effected—namely, to meet the case of foundlings, and unprotected orphans, and to give power to the guardians, and those who had charge of the poor, to apprentice and provide for starting them in life, in some manner or other. It had been stated, as one of the greatest arguments in favour of this bill—and it must be effected by the 41st clause, if effected at all—that the effect would be to interest noble Lords to afford an asylum to those who were ejected from their lands. Now, if small holdings were thrown into large ones at once, he should concur in that argument to a certain extent. But he asked their Lordships whether the consequences that were likely to arise from the operation of the bill were not in direct opposition, and calculated to produce a contrary effect? Let not Ministers suppose, or those who confided in them, that when they had voted a poor-law for Ireland, they had done their work, they would have but just begun it. The proposition was, to enact a poor-law, which, whether from mistaken views, or from want of information, was reviled by every class and every description of residents in Ireland. He did not mean to say, that all the grounds of objection urged against the bill were maintainable, but its effect would be, to excite a people that were naturally excitable—to cause combination where confederation was but too common to increase agitation among those who never could refuse to obey such a call; and the result would be, to endanger, in a tenfold degree, the peace and security of that country. It would be ten times more fatal to the happiness of the lower classes, and would operate, in a tenfold degree, to alienate the affections of those whose affections it was the avowed object of the bill to cement. Did any man believe, that relief would not be called for by more than 80,000 persons? In the Mendicity Institution in Dublin, the allowance per man was 2½d. a day, or 4*l.* per year, and that was the lowest rate at which human life could possibly be supported. This was the allowance under a system adopted there, because those who had the management, were not aware to-day what their funds might be a fortnight hence, and it was found to be the lowest at which human life could be supported. What, then, would be the expense, taking the number of paupers at the erroneous calculations of Government, exclusive of workhouses, exclusive of the erection of public buildings, exclusive of the expense of the staffs, and the other expenses of the boards of guardians. He called on the House not to make a rash and fruitless experiment—he called on them either to try the experiment on the scale laid down by the noble Earl's amendment. He implored the House not to hold out a hope to the people of Ireland which they did not intend to realise. If they did not intend to make this a measure of full relief, then he implored them not to lay a foundation in the bill which they were not prepared to build on. Let them remember, that there was but one petition in favour of the bill—innumerable petitions against it, That a similar bill had succeeded in England, with the aid of the landed proprietors, was no reason why this bill should succeed in Ireland, especially when it was remembered, that the feeling of the landed proprietors in Ireland was against the bill. He regretted much that he should differ from the noble Duke (the Duke of Wellington) on the question; but it was his consolation to know, that ever since the Irish House of Commons had become a part of the imperial Legislature of Great Britain, he had endeavoured to discharge his duty.

Viscount *Melbourne* said, it was natural that the noble Lord, with the deep interest which he felt for Ireland, should seize the first opportunity of expressing his sentiments on this bill. If there were that danger which the noble Lord apprehended, would the mere difference between the clause as it stood, and as the noble Lord proposed to amend it, avert that danger? The noble Lord who had moved the amendment at the beginning of the debate, which would have the effect of putting an end to the bill, said, that whenever he went into the lowest cabin, he found the bill unpopular; its provisions were disliked, and feared; it was not a bill of a popular aspect. So also the 43rd of Elizabeth was reckoned a very coercive and unpopular act at the time that it passed, and the oppression and the discipline which it enforced were considered in the opinion of the multitude, greatly to counterbalance the relief which it held out. Government had been condemned for exciting great expectations in Ireland, by the declaration of their intention to establish a poor-law and relief bill. On the other hand, they were condemned for producing great hostility, and great alienation against the Saxons in Ireland. They surely could not be liable to both accusations. Though he had great respect for the opinions of the people, he had not been accustomed to rest his support of a measure on the number of petitions in its favour. If this measure itself were founded in reason, and likely to confer a benefit on Ireland, he had no doubt that the prejudice would fade away, and the good sense and reason of the people would see the advantages which it conferred on the country, and induce them to render every assistance to carry it into effect, and make it useful. Not intending to follow the noble Lord through all his arguments, he must say, that it was impossible to concur in the amendment. The effect of the amendment was, to deny relief to the able-bodied, however destitute they might be, however sunk they might be in poverty, and to confine that relief to the aged, the impotent, and those afflicted by the hand of PROVIDENCE. The proposition was very plausible, and was, indeed, the original intention of the act of Elizabeth, but the distinction was found to be impossible. The noble Lord put amongst those whom he proposed to relieve, the deaf and dumb. Now, some of the strongest men he had ever seen, were deaf and dumb, and they were both active and intelligent. Then the noble Lord said, that age was the criterion of weakness, and he proposed that a man at sixty, and a woman at fifty, should be entitled to relief. This would work the greatest possible absurdity, because some men failed at forty, others at sixty, and it was impossible to calculate the period at which the right to relief should commence. In the next place, who could say what degree of lameness should entitle a man to relief? After all, you run the risk of fraud and imposture, against which it was hardly possible for any vigilance to guard. It was the wisest and most prudent thing to keep the clause as it stood, and he could by no means consent to adopt the amendment which had been moved by his noble Friend.

Lord *Brougham* observed, that the noble Viscount said, that he was against adopting the amendment of the noble Earl, but why he was against it, he did not deign to inform the House. The particular reasons, if he had any, for inducing him to maintain his opinion in favour of universal relief, rather than of limited relief, he did not state. Why he was for his own opinion, unsupported by argument, and not willing to adopt the suggestion and opinion of his noble Friend, supported as it had been in a most able and argumentative speech, he (Lord Brougham), could not tell, for the noble Viscount left them in the dark as to why he came to these conclusions, or by what path he had groped his way to them. All the knowledge they could gather from his speech was, that somehow or other, but the noble Viscount did not deign to say how, it appeared that the noble Viscount thought it was sufficient that he had come to a different conclusion; but the result was, that he did not choose to give any reason for the faith that was in him. But, in addition to the arguments of his noble Friend, and other noble Lords, he (Lord Brougham) also relied on the facts stated by the noble Viscount, and on these grounds, he was prepared to vote for the amendment that had been proposed. The arguments that had been adduced, were unanswerable. [" *No, no !*"] At any rate, not a shadow of an attempt had been made to answer them, and therefore he was justified in assuming, they could not be answered. He could praise the speech of the noble Viscount for the qualities which it did possess; but he could not praise it for those which it had not, and it had not one shadow of reason or argument, for, arriving at his conclusion—indeed, not a single attempt was made to answer the arguments for the amendment by a single syllable or show of argument. Yet, undoubtedly this was a very important question, and therefore, instead of proceeding, he had some thought, that the best course that he could pursue, would be to move an adjournment of the debate, to allow the friends of this measure to make up their minds, or at any rate to get together some arguments in favour of it. Perhaps, however, the House intended to do that which they did in the debate last Monday,—namely, vote in opposition to the arguments. No doubt the great majority of noble Lords had their reasons for not voting with the minority of twenty that divided against the bill; but they did not choose to give any reasons for so doing; and, therefore, he was quite at a loss to understand the course they would that night take. On moving the second reading of the bill last Monday, the noble Viscount made a most able and attractive speech, but he did not attempt to argue any of the disputed points; and the noble Marquess, the President of the Council, followed the example set by the noble Viscount in pursuing exactly the same course, and noble Lords voted in a mass for the second reading, but why so he knew not, for no reasons had been given. Perhaps, however, they deferred their reasons until they heard the arguments that were that night to be delivered on the subject; it therefore appeared to him, that the most advisable course that could be pursued, would be to have an adjournment, to give noble Lords time to collect their reasons for recommending the bill, make up their minds on this question, and thus give weight to the decision of the House on this most important subject. The people, also, for whose benefit and advantage this bill was intended, were obdurate as to its reception, and the noble Viscount, most strangely as he thought, asserted that he was glad that it was not popular, because it would show, that they were impartial, and could consider it calmly, uninfluenced by popular clamour. If there had been no petitions on the subject, it would be a reason, but a great number of petitions had been presented against it, and none for it: he therefore could not see the consistency of the noble Viscount in assuming, that it could lead him to form a deliberate judgment on it, unless, indeed, the noble Viscount, at the same time, said, that he did not care for the popular voice—that he was perfectly indifferent to the *popularis aura.* If such was his opinion, he might then, with some degree of propriety, turn round to the noble president of the council who was near him, and exclaim,—"What foolish thing have I said or done, that it is so much applauded." But, as things stood with reference to this measure, he might throw up his hat and exclaim, "Hurra, hurra! I have at last hit upon a most brilliant thing; I have at length produced a most successful measure, for nobody is for me, and everybody is against me." He (Lord Brougham), had been engaged in other speculations with the noble Viscount; and now, for the first time, on the 28th of May, 1838, the noble Viscount, who was still a minister of the crown, and the head of the Government, had made the sage discovery, that it was better to have no petitions in favour of a measure which he was anxious to carry into effect, and he now, for the first time, declared that it was better that they should not have a popular voice, for or against a measure, as they could the better come to a calm conclusion, without such assistance. Certainly it appeared to him, that the noble Viscount had got a new light on this matter, not only since the period when they acted together in the administration, for then he did not believe the noble Viscount entertained such a dislike of popular support; but even since last Monday, this new light had come over him, because the noble Viscount dwelt on the necessity of carrying this measure in conformity with the popular voice in England as well as Ireland. He could not praise both the speeches of the noble Viscount, and he confessed he greatly preferred that of last Monday, for he said, that it was of great importance that they should carry along with them the public opinion of this country; and, above all, of Ireland, for which country the measure was intended and framed. This was a more sound and statesman-like view of the question than that which he had that night expressed. He trusted, however, that they would pause before they sanctioned this measure, which was intended to benefit the people, and at all events to be applied and carried into effect by the people, and which would affect more or less the situation of all classes in Ireland—which would regulate the fortunes, and would operate on all people in that country; and he defied the Government to carry it into execution, even with the slightest prospect of success, if they had not the hearts and hands of the people with them to assist them. With respect to the amendment that had been proposed, he thought that it would be improved by having it in a more simple form, and would, therefore, suggest to his noble Friend, the propriety of adopting some such form as this:—"That all poor persons who, through old age, or bodily infirmity, or other defect, were unable to support themselves, should, during the period of their being so unable to do so, be entitled to relief, as well as all orphans, and destitute children who had not the means of support." He must, however, once more entreat the House to pause before they made enactments for the general relief of the destitute population of Ireland. He would not go into the *vexata questio* respecting the 43rd of Elizabeth; he would not enter into a contest with a noble Friend of his opposite (Earl Stanhope) on this subject; he would abstain from saying anything which was likely to call up his noble Friend, knowing as he did the extravagant opinions entertained by him with reference to that measure; indeed, he sincerely believed, that his noble Friend was convinced that England had flourished and prospered actively in consequence of that act, and that without it we should be mere barbarians. Indeed, he believed his noble Friend went so far as to think, that Columbus, in consequence of being an overseer, or church warden, or some other officer of the kind, went on his voyage, and discovered America, in the reign of Henry 7th, solely in consequence of this act of Elizabeth. This certainly was rather a romantic opinion; but he would not stop to discuss the matter with the noble Earl, even in an amicable way, and certainly not otherwise. They had now an accurate knowledge of the people of Ireland—they knew the good qualities of that people, and their temper and habits; but all those best acquainted with that country, and who had taken the most active part in public affairs in that country, together with all the great Irish proprietors this great and important class, with all others, chiefly interested in the well-being and prosperity of Ireland, and whose fate was knit up in this measure—all these had spoken, and given evidence and counsel to you in this most serious point, on which men could give an opinion, and they all agreed in condemning this measure. Listen then to them, and attend to the wishes of the people of the country; and act not upon a bias in favour of one system or another, when you have the machinery and the law to create, and above all to conciliate the feelings of the people to it. There was, however, another reason stronger than all the others put together. They had had experience of the working of a system of general and indiscriminate relief in this country. Should that be thrown away. They had had for the last sixty years the system of unlimited relief in England, and they had scarcely now escaped from the almost ruin and destruction that it brought upon the country. Let them beware, then, how they neglected the experience of the past, and, before they attempted to appy the principle to Ireland, recollect, that England had hardly yet escaped from the evils that resulted from the system of unlimited relief. He implored their Lordships to profit by experience; to avoid the ruin which the system of indiscriminate relief had nearly involved this country in; to confer on Ireland the blessings which the Scottish system of limited relief had bestowed on Scotland, to save her from the curse of the old English poor-law.

Debate adjourned to Thursday.

HOUSE OF COMMONS,

Monday, May 28, 1838.

MINUTES.] Bill. Read a third time:—Regency Act Amendment.

Petitions presented. By Alderman THOMPSON, from Newcastle-upon-Tyne, by Mr. C. LUSHINGTON, from places in Suffolk, Wicklow, &c., by Mr. BAINES, from Delegates representing Congregations in, and within twelve miles of London, by Sir G. STRICKLAND, several, from different places, by Sir J. Y. BULLER, from places in Devonshire, and others, for the Immediate Abolition of Negro Slavery.—By Mr. C. LUSHINGTON, from a place in Ayrshire, against further Endowments to the Church of Scotland.—By Sir J. Y. BULLER, and Mr. GALLY KNIGHT, from places in Devonshire, and from the Deanery of Carlisle, against carrying into effect the recommendations of the Ecclesiastical Commissioners.—By Sir FRANCIS BURDETT, from Tradesmen of Westminster, that the Coronation be postponed. [Mr. GILLON offered a Petition for himself, as an Elector of Linlithgowshire, to suspend the issue of a Writ for that county, in consequence of Captain J. Hope having accepted the Chiltern Hundreds, but it being considered irregular for a Member to present his own Petition, Mr. GILLON withdrew it.]

NEGRO APPRENTICESHIP.] The order of the day for taking into consideration the matter of the proceedings of the House of the 29th and 30th of March, and the 22d of May relative to the Negro Apprenticeship in the West Indies having been read,

Sir *George Grey* said, that in rising, in pursuance of a notice given on Thursday night by a noble Friend near him, he deeply felt the responsibility which devolved on him, as the official representative in the House of Commons of that department of the Government with which the subject of the resolutions he should have the honour to propose was more immediately connected, in having to ask the House to adopt those resolutions which the Government felt it their duty to bring forward. He felt this responsibility deeply, not from any doubt as to the propriety, expediency, justice, or even humanity, of the course which the Government felt it their duty to adopt, or from any hesitation whatever as to the propriety of the course which it was his duty now to recommend to the House, but he felt it on account of the immense magnitude of the interests connected with the question—interests, as stated by the right hon. Baronet (Sir R. Peel) the other night, not of a pecuniary nature only, but affecting the present and future welfare of hundreds of thousands of our fellow-subjects—objects of the justice, the sympathies, and solicitude of that country and of Parliament, who, long subject to degradation and oppression, were now rapidly passing from that state to the possession and enjoyment of the privileges of British subjects and of freemen. He was sure that those interests would now, as they had heretofore, receive from that House a patient and considerate attention. He was assured, that in bringing the subject again before the House, as it never had so it never would—whatever might have taken place elsewhere—be discussed with any admixture of personal or party feeling. It had been discussed and considered by men of all parties, differing widely in political sentiments, with reference exclusively to those interests which it was their duty to consider, and which they would never sacrifice to external threats, or the injudicious zeal of honest advocates. He would not allude to the imputation of motives which had been cast upon the Government, and which they might well scorn;

neither would he allude to the language that had been used elsewhere, for he well remembered the eloquent protest that had been uttered on the motion of the hon. Baronet, the Member for Yorkshire, against mixing this question up with political feeling, and making it subservient to party purposes; and he remembered, also, not many days since, and before a less favourable audience, the manly and gallant stand made by the hon. Member for Lincolnshire (Mr. Handley,) the long-tried and consistent advocate of immediate abolition had earnestly deprecated the impolicy, the injustice, and the discredit, that must arise in mixing up with the discussion of this question matters of a party and political nature. He would, therefore, pass over the subject, merely observing that he had seen in a newspaper of this day a letter from an hon. Friend near him (Mr. Adam Smith), who had also been a laborious and able advocate of negro rights, and of the abolition in the first instance of the slave-trade, and next of slavery—who boldly came forward and called upon the friends of the negro not to discredit the cause in which they were engaged by resorting to such modes of advocacy. He should now proceed to the subject which he was about to bring under the consideration of the House. It would be in the recollection of the House that after the subject had engaged much of the attention of the country, after public meetings had been held in the metropolis, and after a memorial had been presented to Government, which had been laid on the table of the House—after meetings had been held in different parts of the country for the purpose of influencing the decision of the House, a motion was brought forward on the 29th of March by his hon. Friend, the Member for Yorkshire. That motion led to a protracted discussion. The debate was prolonged to a late hour on the second night, when, after every argument had been exhausted, the House came to what he believed to be a deliberate decision upon the question submitted for its consideration. There were present on that occasion no less than 488 Members, of whom 271 voted for the amendment he had the honour to propose, while 217 voted for the motion of the hon. Member for Yorkshire, leaving a majority of fifty-four expressing the sense of the House against the motion, and in favour of the proposition of the Government which was embodied in a bill to which the House had also given its assent. The principle was then established, that to the extent to which the contract had been violated, the Parliament would give a remedy; but that to proceed to a greater extent, would be to commit an act of injustice. The bill founded upon that proposition embraced every remedy which had occurred to the Government, or which had been suggested in that House. Not a single division took place on the principle of the bill, the Legislature thus unanimously asserting, that it would be unjust, impolitic, and unwise, to interfere with a solemn decision of the Parliament upon so important a question. A division certainly did take place in the committee, but it was upon a clause proposed by the hon. Member for Honiton to terminate the apprenticeship in the island of Jamaica on the 1st of August, because, as his argument was, that the cases of cruelty had been fully made out with respect to that island. Upon that occasion the immediate abolitionists again mustered their strength, but were again defeated by a large majority. The Government, then, had a right to infer that, after two solemn expressions of the opinion of the House, the matter would not be seriously brought before the House again this Session. The bill having been passed, it was at once sent out to the West Indies, where, he had no doubt, it was now, in full and beneficial operation. The hon. Baronet opposite, however, gave notice that he would again submit the subject to Parliament on the 1st of May, but it was afterwards postponed to the 22nd, a period which rendered it utterly impossible to carry the intentions of the abolitionists into effect by the 1st of August. Under these circumstances there was an evident indifference on the part of the House to enter into a protracted debate upon a question which had been solemnly decided and twice within a few weeks, and a general impression that it would not be seriously imposed. The result was, that the resolution of the hon. Baronet was adopted, not in a House of 488 Members, but of 193, there being ninety-eight for, and ninety-five against it, leaving a bare majority of three in favour of the resolution. Had this been a question of merely domestic concern involving only some interests of the constituencies of hon. Members, he certainly should not have thought it necessary for the Government to invite the reconsideration of the question, with the view of clearing up any doubt which might attach to the real meaning and intentions of the House. Neither if the hon. Baronet had submitted to the House a practical measure founded on that resolution—which he presumed the hon. Baronet must have contemplated—should he have thought it worth while to take any immediate step, because the decision of the House could have been obtained on some of the stages of a bill for carrying the resolution into effect. It would not then have been necessary for Government to originate any measure to remove that uncertainty which might exist elsewhere as to its intentions, the consequences of which might be disastrous and ruinous. So, too, an explicit abandonment of all intention on the part of the hon. Baronet to propose a bill founded on that resolution would have been an express avowal of the circumstances under which the resolution was adopted, and an acknowledgment that the hon. Baronet had no confidence in the majority which fortuitous circumstances had thrown into his hand; and that conviction must have passed in his mind, or he would not have delayed the introduction of such a measure. But the course taken by the hon. Baronet was calculated to keep alive uncertainty where it was the greatest evil that could exist. That very uncertainty would keep up a misunderstanding among those to whom it would most likely produce evils which he was sure the hon. Baronet would be the last to create. Another not unimportant consideration, which ought, as it seemed to him, to induce the interference of Parliament was the delaration somewhat triumphantly and ostentatiously made at a late public meeting, that from this country to the West Indies, intelligence of the division on the 22nd instant, had been immediately communicated. He was glad to find, that all participation in this communication was disavowed by the hon. Baronet, but the fact was announced by the chairman of the public meeting as a matter of triumph, that the news had been transmitted to the West Indies; but he hoped, that in the colonies the parties who received such information would not be mistaken, and that they would not be deceived by supposing that Parliament had declared for the liberty of the slave, and had decreed the immediate emancipation of the apprentices. The result, however, of that very meeting would convince the West Indians of the error of such a supposition, for within one hour after its close, the hon. Baronet came down to that House and stated, that he was not prepared to introduce any measure founded upon that resolution—which was powerless and ineffectual without a change in the law made by the joint consent of both Houses of Parliament, and of the Crown. Any parties sending out any information of the intentions of Parliament in favour of immediate emancipation, would only be practising a delusion upon the people, which he (Sir George Grey) would not stop to describe. But if there was any chance that misapprehension should exist in the colonies from any quarter, or if that delusion should be studiously encouraged, it was the duty of that House, and a duty from which he trusted the House would not shrink, to clear up all uncertainty, and to declare under what state of the law the apprentices were to remain for a period yet unexpired, however short that period might be. He quarrelled not with those friends of emancipation who were the consistent, the warm, and the zealous friends of liberty, but he did quarrel with those who would induce the negro not to pay submission to the law whilst it remained unaltered. On the motion of his hon. Friend the Member for Yorkshire, the Secretary of the Wesleyan Mission, a society whose exertions were most praiseworthy, had addressed a circular letter to all the missionaries, stating that the opinion of the House of Commons had doubtless been come to after long consultation, and they therefore urged their friends in the colonies, whatever might be their opinion of the operation of the system or of the refusal of Parliament, to prove themselves the real friends of the negroes, and to urge them to refrain from all tumultuous or disorderly expressions of dissatisfaction and to urge on them a patient submission to the law so long as it remained unaltered. This was the opinion of the real friends of emancipation, and they had wisely urged every argument in their power to restrain disorder. He attached great weight to the growing intelligence of the people, and to the good effect of these remonstrances even under the influence of a system of apprenticeship, which had been unjustly characterised as worse and more degrading than slavery itself. He trusted to this intelligence, and to the exertions of those missionaries to facilitate correct information of the proceedings which took place in this country, and to remove all false impressions. But it was not to the Wesleyan missionaries alone that the country was thus indebted, but to other parties, who, holding the same sentiments as the hon. Baronet, were too honest, and who entertained too sincere a friendship for the negroes, to foster delusion or to lead them to receive any false impression of the resolutions to which the House had come. The mail which had arrived this morning had brought home the resolutions adopted at a meeting over which the rev. Walter Dendy was requested to preside, which took place in the parish of St. James, Jamaica, and which was attended by about 2,000 negroes. The meeting took place at Salter's Hill Chapel on the 13th of April, and the resolution which was unanimously adopted, was in these words:—

> "Having heard a report has been circulated by some newspapers that the prædial apprentices in the parish of St. James will not work after the 1st of August next, we, the members and congregation at Salter's Hill, under the pastoral charge of the rev. Walter Dendy, Baptist missionary, resolve, that this report is a false and malicious libel upon us, as we never had such thoughts or intentions; but we are willing to work as usual for our masters so long as the present law continues in force, although we would rather be free; and that a copy of this resolution be forwarded to Sir Lionel Smith, Governor; Lord Glenelg, Colonial Secretary; and to the Rev. John Dyer, secretary of the Baptist Missionary Society. Signed, on the behalf of the meeting, Walter Dendy, Baptist missionary."

The newspapers which had been received by the same mail this morning contained also a report of the questions which had been put at this same meeting by Messrs. Walter Dendy and B. B. Dexter. One of the questions ran thus:—

> "If any one should be so wicked as to try to fill up your minds with the thought that you are all to be free in August next, will you take hint, whether he be white, brown, or black, to the special magistrate, that he may be punished."

And the question was responded to by loud cries "Yes, sir, we will." Not only was the conduct of the missionaries above all praise, but so also was the conduct of the great body of the negroes. The evidence and the facts which he had on a former occasion stated, led him to retain the opinion that the negroes were fit for freedom; but, as he had said before, he now repeated, that preparatory measures were necessary, and that practical men, even the Marquess of Sligo when in Jamaica, had doubted whether the apprentices would be benefited by immediate emancipation The apprentices had well conducted themselves; the sufferings which they had undergone increased their claims to praise, and he was sure that there was not a Member of that or the other House of Parliament who would refuse a tribute of approbation to them for their conduct, and who would not, instead of adding to delusion, endeavour to enlighten their minds—who would not try to secure to the negro the character which he had earned by his conduct during the first years of the apprenticeship, and to render him fit for the full enjoyment of unrestrained freedom? Now, in the same paper to which he had already referred, he found a report of the anniversary meeting of the Baptist chapel in Montego Bay, and a statement of the education in the schools connected with it. The meeting was held on Saturday, and on the following Sunday the rev. Mr. Burchell, before he began his discourse, alluded at some length to rumours that had gone abroad intended to disturb the peace and quietude of society, warned the negroes not to believe them, to take before the magistrates those who propagated them, and to wait patiently for the termination of their servitude. Such were the exertions which had been made by the Wesleyan missionaries and by the Baptist missionaries, and such had been the good conduct of the apprentices; and, therefore, he looked with less apprehension at the hasty and injurious, and, if he was to go to the length of the reports in the newspapers, he might say criminal and wicked attempts to impose upon the negroes by sending out information of their immediate freedom. Looking at the possible results, however, of the reception of such intelligence received before more authentic information could be conveyed, the Government had sent out a circular letter to the governors of the different West-India colonies, communicating to them the exact circumstances of the vote which had been taken. He now asked Parliament to interpose and to second the laudable efforts of those men on whom he relied, who thought with the hon. Baronet, that slavery ought not to exist, and yet who if they did think, that the law ought to be changed, thought also, that whilst it remained it ought to be upheld, and to relieve the Government from the possible necessity of resorting to coercion, to maintain it. He asked Parliament to do this, to interpose the weight of its authority, to put an end to all uncertainty, and to restrain all exasperation. He called upon the House to adhere to its first determination, unless it had since seen good and sufficient reason to annul it. He was not scared by the delusion, that by not altering the law they were perpetuating slavery. He had heard the eloquent speech of the hon. Member for Lincoln the other evening—a speech which might have been well made in 1833, before slavery was abolished; but in that year it was declared to be abolished from August 1, 1840, and was it worth while to keep alive excitement and to retard the improvement of the apprentice on the chance of introducing and carrying a bill the only benefit of which would be, that the apprenticeship system would be brought to a termination a few months earlier than as the law now stood? The question had not been put to the country in a fair way; it had been kept out of sight, that slavery was abolished; it had been stated as a question between amelioration and abolition, as if the apprenticeship system was a permanent substitute for slavery; but the truth was, it was a question of time, on which he called for the decision of the House. They had abolished slavery, and by the measure of the present session they had passed an act which would remedy all the practical evils of the existing system. In this he did not rely upon his own authority, but he added to his own the weight of the authority of the co-adjutor of Wilberforce, of one of the patriarchs of emancipation, of one of the most zealous and talented advocates of the rights of the negroes, the avowed organ he would not say of the party opposed to himself, but of the feeling of the consistent promoters of the welfare of the negroes. Mr. Buxton, since the motion of the hon. Baronet near him (Sir G. Strickland), had stated, that he had always opposed the apprenticeship system, and that he had never agreed in any part of it, except by compromise, in the report of the committee, and that he maintained his opinion, yet he saw no practical benefit which would result to the apprentices from now agitating the question. He hoped, that the opinion of this real and judicious friend to the negroes had found its way to the West Indies, as well as the communications of their professed and injudicious friends. "Continue and wait, working patiently," said Mr. Buxton, "and the time of emancipation is short and certain." So said he. The time was short and certain, and he hoped, that the negroes would wait and work patiently. He would not re-argue the question of contract; but the time being short and certain, he fully concurred with Mr. Buxton in thinking, that no ultimate benefit would be derived by an immediate change. What was the present position of the question? Parliament having decided two several times against forcing immediate emancipation, it was hoped, that voluntary manumission would go on to a great degree; and it was felt, that the interference of Parliament by direct legislation would expose them to the charge of breaking faith with the planters; for this reason the hon. Baronet the Member for Warwickshire did not bring forward any motion founded on his resolution; and all the information which he had since received strengthened his opinion, that if they carried a bill for immediate emancipation, it would put an end to slavery under unfavourable circumstances, while by allowing the term to expire it would end most auspiciously for all parties. The Virgin Islands and Nevis had already agreed to immediate emancipation; and in Barbadoes, although no act had been passed, yet it was so manifestly the opinion of both branches of the Legislature, that he believed, that an act would be passed giving unqualified freedom on the 1st of August, 1838. In Jamaica the events had not proceeded this far, and though the circumstances were different from some other colonies, yet an act had been received from the local Legislature carrying out to a great extent the provisions of the law which had recently passed the House. But he was told, that he was guilty of inconsistency in deprecating the interference of Parliament, and yet in recommending to the local legislatures measures upon this subject favouring immediate emancipation; but his object was to urge all improvements upon the colonial legislatures, that if they refused them they might be placed entirely in the wrong, and the Imperial Parliament not be charged with a breach of the national faith. By the second resolution which he had to propose, he intended to pledge the House to interfere in case the intention of the Abolition Act was not carried out. It was in these words:—

"That this House, at the same time, declares its opinion, that no means should be omitted which can tend to secure to the negro population of her Majesty's colonies the privileges to which they are entitled under the Act for the Abolition of Slavery, and under the Act for the Amendment of the Slavery Abolition Act; and further, that the anxious attention of this House will be directed to the state and condition of the negro population when the expiration of the term of apprenticeship shall have entitled them to the full enjoyment of entire freedom.

The expression of this determination he held to be of the greatest importance; it would be no unjust interference with any rights, and it was a power which the Parliament possessed, and which he hoped the House would exercise should it be required. To place the colonies in a fit situation for the enjoyment of unqualified freedom by all classes of her Majesty's subjects, there were many points on which the interference of the Parliament must be exerted, and it was only necessary for him to glance at a few of them. For education it was said that nothing had been done, but the foundation had been laid for an extensive system, and many useful advances had been made, though much remained to be done. The reports of Mr. Latrobe, with respect to Jamaica, had been laid on the table of the House, and his extended inquiries to the Windward and Leeward Islands had been received, and when printed would show the progress which had been made. In addition there were improvements in prison discipline, a reform in the civil and criminal law, a more effective administration of justice. To all these the attention of the Government had been earnestly directed, and these exertions he should not fail to call upon Parliament to assist, if the interference of Parliament should be necessary to consolidate the great work of emancipation and liberty; and following out the sentiments of Lord Glenelg, as expressed by him in his circular to the governors of the West-India colonies, in November last:—

> "The great cardinal principle of the law for the abolition of slavery is, that the apprenticeship of the emancipated slaves is to be immediately succeeded by personal freedom, in that full and unlimited sense of the term in which it is used in reference to the other subjects of the British Crown. This is the essence of the contract between Great Britain and the colonies. It is the basis of the enactments, whether parliamentary or colonial, on the subject. From this principle, I am persuaded that the colonial legislatures will not desire to depart. If such an attempt were possible, it would be met by the uncompromising resistance of the Government, the Parliament, and the people, of this country."

And he would not fail to ask Parliament to aid and strengthen the hand of the Government in perfecting freedom and in establishing the blessings of peace. There was one other consideration to which he wished to refer. It was an argument used by Mr. Thompson, the eloquent advocate of immediate emancipation, to whom, or to some other friend, he (Sir George Grey) was indebted for many reports of public meetings held upon this subject. It was well said—

> "Has not our question an important bearing upon the great question of negro slavery in the United States and elsewhere, and might not our vacillation prove injurious to the vast interests with which our question stands connected?"

He must say, that he concurred with Mr. Thompson in thinking that the way in which our own experiment should be managed would have a most important bearing on the question of negro slavery in the United States and elsewhere. He believed the course adopted by other nations would depend materially, if not entirely, on the successful or unsuccessful result of the experiment which had been tried by England; and the advocates of the abolition of slavery would find, that the best line of conduct to be taken by this country would be to secure the transition of the negroes from their apprenticeship to absolute freedom in such a mode as that they might be well fitted to receive the blessing which was in store for them. If, on the contrary, they should persist in demanding the immediate and unqualified abolition of the present system, such consequences might ensue as would give their opponents the most powerful argument against the plan which they desired might be adopted: therefore, he believed, that the welfare of the slaves would be best promoted by no step being taken affording an argument to the enemies of abolition, and which might show any vacillation on their part in not adhering to the compact of 1833. He called on the House, then, to interpose the weight of its authority to clear up the uncertainty, which, although it did not exist in the House, was prevalent elsewhere, as to the real opinion which was entertained by the majority of its Members, and to protect the negroes from the evil consequences which might be produced by the report which had gone forth to the colonies, and which was grounded on the resolution of the 22nd of May. There was no one in Parliament who did not know that there was no hope for the measure being passed this Session; and he called on the House, therefore, to pursue the course which he recommended, and to express by their votes the feelings which they entertained in favour of the negro race, and by that means to secure for them those rights to which they were entitled, and which would be best secured, he was convinced, by the adoption of these resolutions. He had the greatest confidence that this great object would be attained, and hon. Members would have the verdict of an approving conscience in their favour. They would secure the fruits of their exertions, not only by means of the legislative bodies of the West Indies, but in the co-operation of the proprietors and of the people of England. He could answer for the cordial disposition evinced by bodies of the most important and influential owners in Jamaica to carry into effect the sincere wishes of Parliament with regard to the future welfare of the negroes; and he sincerely hoped, that those measures which would hereafter be taken, would be such as to wipe off that blot from the pages of history which had so long existed as a disgrace to civilization. Having already so frequently trespassed on the House on the question at large, and having on former occasions fully stated his views upon the subject, he was unwilling to enter into it again; and he had, therefore, confined himself as much as possible to those resolutions which he had felt it to be his duty to propose, in order to relieve the House from the position in which it now stood. He asked the House, then, to adopt those resolutions under the most sincere conviction that that course would be most consistent with national justice and an adherence to national faith, as well as with the dictates of the enlightened policy of an intellectual Legislature. The hon. Baronet concluded by moving—"That in order to prevent the injurious consequences which may follow from the intentions of Parliament being left in doubt, and in order to maintain the peace and welfare of the colonies, it is necessary to declare, that, in the opinion of this House, it is not advisable to adopt any proceeding for the purpose of giving effect to the resolution of the 22nd of May."

Sir *E. Wilmot* cordially agreed with the hon. Gentleman in thinking that political feeling had nothing on earth to do with this question. He could most conscientiously and truly say, that political feeling did not operate with him. When he found, in 1833, that it was not the intention of the Government to place the negroes in the same position as the English labourer, he moved a reduction of the grant of 20,000,000*l.* to 15,000,000*l.*, and he divided the House on the question. Having, in his own county, been the chairman of a great meeting in favour of immediate negro emancipation, and having also presided at a meeting in Exeter-hall convened for the furtherance of the same object, and having declared, that he would make a motion for the immediate abolition of the system of apprenticeship, nothing but ill health had prevented him from bringing that motion forward. During his illness, the hon. Baronet, the Member for Yorkshire, brought under the consideration of the House a motion having for its object the emancipation of the negroes on the 1st of August next. When he recovered, he brought forward the motion of which he had given notice, and no man could say, that the Government had been taken by surprise. The noble Lord, the Secretary of State for the Home Department, the hon. Gentleman the Member for Newark, and the hon. Member the Under-Secretary for the Colonies, were, he believed, in the House when the hon. Member for Lincoln concluded his eloquent speech, but no one rose to reply; mum was the order of the night; the noble Lord went out for a division, and the result of that division was defeat. Since that time, the struggle between the noble Lord and himself had been who should make the first move: it was his wish to force the Government to make a movement on the subject, and they had, in consequence, brought forward those resolutions. The effect of those resolutions, not in words, but in reality, would be to rescind and annul the resolution to which the House came on the 22nd of May, and the question really was, whether the House would stultify itself by rescinding a resolution on the 28th of May which it had agreed to on the 22nd, by what majority he cared not, but which had been agreed to after due deliberation. The noble Lord might, perhaps, say, that he did not seek to rescind this resolution. This was a matter comparatively indifferent to him; they might erase it from the Journals of the House, but they could not erase it from the hearts of the people, and if they attempted to do so they would inflict a wound which no Government on earth could heal. With regard to what the hon. Baronet had said respecting the connexion of this motion with the meeting of delegates, he could only say, that he had not attended any meeting of delegates at Exeter-hall, and he did not know what had passed at the meeting to which the hon. Baronet had alluded till somebody had told him there had been a flare-up between Mr. Handley and Lord Brougham. He had never said, that he had given up the idea of bringing in a bill during this Session of Parliament. He merely said, when the noble Lord asked him the other night what he intended to do, that he would not then introduce a bill, but that he would reserve to himself the full right to take any course which he might think most expedient. He was perfectly ready, if the amendment which he intended to propose were successful, to introduce a bill for the purpose of carrying out the resolution of the 22nd of May, which would include provisions to confer security upon the negro, and safety to the masters, and would place the negro exactly in the position of the free labourer in England. If, however, his amendment should be unfortunately lost, he would not say, what he should do, but he would take any and every constitutional course which was open to him for the purpose of effecting the resolution of the 22nd of May. He begged to move, by way of amendment, to leave out all the words in the original motion after the word "that," for the purpose of inserting words to this effect,—"that it is the opinion of this House, that the resolution passed on the 22nd of May should be carried into effect by means of a legislative enactment, due provision being made to secure the peace of the colonies, and to promote the welfare and good conduct of the negro population, on their attaining the full enjoyment of their entire freedom."

Mr. *Villiers*, in seconding the hon. Baronet's amendment, said, he felt, that to maintain silence upon this occasion would be to shrink from taking a part in carrying into effect that which he and others had recommended to the House, and which the House had adopted. To adopt any other course than that which was now proposed by the hon. Baronet would have the appearance of having recommended a resolution, the success of which they had not really desired, and also of not having duly considered all the consequences of having carried such a resolution. For his part, he could say most truly, that he never would have consented to support the resolution when the hon. Baronet moved it, if he had not felt confident of its justice, and had he not been prepared if the whole responsibility had devolved upon himself, to carry it into effect. He had duly considered the existing state of the law, as well as the consequences which were likely to ensue from the proposed measure; and having conscientiously supported the resolution, he conscientiously desired that it should not remain a dead letter. They had been taught by the experience of the last four or five years that all legislation for those colonies would be inoperative, unless it were carried into effect by the opinions and spirit of the persons possessed of property and authority in the colonies themselves. He (Mr. Villiers) was very much afraid, that if the same system should be practised for the next two years in those colonies—if the same provoking, the same wanton treatment of the labouring population by their employers should be continued, the most alarming consequences might ensue. He had stated on a former occasion what he was now disposed to repeat—that he had no confidence in the securities which had been taken with a view to carry the law into effect. He could not, with any degree of confidence, expect that that law would be administered according to the intentions of the Legislature; since it was not denied, even by the special justices whom they had appointed, that if they had the will, they had not the power to give effect to those intentions. Even those who were disposed to befriend the slave asserted, that they declined to inflict punishment on the master out of mercy to the slave. Distributed, in short, as power was among these colonies, all their legislation must be fruitless unless they chose to abolish slavery at once and for ever. The advocates of immediate emancipation only proposed so far to alter the relations subsisting between the proprietors and the labourers as to create that mutual dependence which had been uniformly found in free communities to act so beneficially for both. He believed he might with truth assert, that of slave labour not more than two-thirds could be made available; and so convinced, in many instances, had the proprietors themselves become of the superiority of free labour in value, that several proprietors in Barbadoes, he was informed, had taken this subject seriously into consideration, and that not a month would elapse before the great change would be voluntarily effected by the planters themselves. Considering slavery to be odious in every form, and revolting to the best sympathies of our common nature, he gave his hearty support to an amendment like the present, having for its object to bring it to an immediate termination.

Mr. *Barron* would strenuously oppose the amendment. He considered that the House had entered into engagements of the most sacred and unequivocal nature from which they were in no position to recede. No contract more solemn had ever been formed by any legislature; and he felt it to be an urgent duty to enter his protest against the House entering again into the consideration of a question which was long since decided. He was a hater of slavery in the strongest sense of the word, but a lesser evil had been accepted for a greater, and by that arrangement the House was bound to abide. If in private life a man were to retreat from a contract of this sacred description, he would be considered a knave and something worse—a common robber. The opposition to the contract which had been entered into by the West-India planters was made still worse by its being carried on under the guise of religious feelings. He could not conceal the surprise with which he had read the statements which had been made upon this subject at various public meetings by a certain great individual, great it must be allowed from his talents and from the station which he held. It was with the utmost astonishment that he found that individual, unsatisfied by the opportunity which he enjoyed of delivering his sentiments in another House, endeavouring in addition to stir up the bad passions of the people of this country against his former friends with whom he was acting as a colleague at the period when the very measure was introduced and carried, against which he now inveighed so roundly and intemperately. When he perceived that learned individual thus occupied, he could not but regret to what bad uses his great talents were applied. "He, forsooth," (pursued the hon. Member), "to take it upon himself to become the preceptor of this House, and apply the rod to us for not following his bad example. He knows full well, however, or, if he do not know, he will speedily learn, that great as is his station, his advice will not be followed by any man in this country who values the possession of character. It is not conduct like his that should set itself up as a standard to regulate that of other men. What is it, Sir, that is habitually said of him in private as well as in public? Why, that his motives cannot be pure, when he thus veers about so rapidly from one extremity to the other? Sir, it is not to be endured that such a man should dictate to Members of this House, or threaten them with the displeasure of their constituents, to be stirred up by himself, for the conscientious discharge of their duties. We can well afford, however, to be taunted by one whose political consistency is such that he has already gone round every point of the compass. We can well afford to put up with the mass of absurdities to which he chooses to give utterance, in reference to our legislative duties, because we feel that they are but as 'the idle wind,' which is unheeded. His efforts may be increased tenfold, but they will meet with no response from the good sense of the country; and I tell him, from my place here, that I despise alike his taunts and his threats. He may dare to impute motives to us; but I plainly tell him I fear he is pursuing, for popular applause, a course which he cannot agree to in principle, if principle he has. The hon. Gentleman concluded by again calling on the House not to violate a solemn compact, and by declaring that he should vote in favour of the resolutions of the Under Secretary for the Colonies.

Mr. Sergeant *Jackson*, having voted for the resolution of the hon. Baronet near him the other night, he felt bound to oppose the resolutions of the Under Secretary for the Colonies. The hon. Member who spoke last had admitted, that the conduct of the masters was a violation of the principle of the compact; then, if they had not fulfilled their stipulations, what right had they to call on the other side to fulfil theirs? The apprentices were no parties to the contract; they could not be the property of their masters; if they were, let us rather make them compensation than continue the compact.

Mr. *Hutton* said, it was not on the ground of any contract that he had come to the conclusion to vote in support of the resolutions before the House, which he did with regret, as it was in opposition to most of those he represented. His conclusion was founded on the conviction that it was more for the interest of the parties to allow the term to expire without interruption, than in the existing state of things, to abridge the term, and leave the apprentices exposed to the direct hostility of those who were to be their future employers. He thought, that better provision might have been made for the treatment of the apprentices; he would not have paid the money till the conditions had been fulfilled. That was now too late, and the question was whether, an arrangement having been made, the country was prepared to run the risk of its immediate and premature termination, or to endeavour to introduce gradual ameliorations, and to let the term expire. He had read the statements which had been made on this subject, and he hoped, though he did not deny their truth, that they were not average statements. If cases of cruelty under the apprentice system had been advertised for in the manufacturing districts in this country, it would not be difficult to get up statements which would rouse the feelings of the country, and the Table of the House might be loaded with petitions for cutting short the term of apprenticeship there.

Sir *C. E. Grey* said, in support of the compact, that, for more than a century, bargains for slaves had been recognised by the laws of England over and over again—that they formed a large part of the statutes of the realm, and, therefore, could be made the subject of a compact. Had not a property in slaves been recognised over and over again in the statutes? He had not come down to the House prepared to cite authorities, but he would refer to a statute in the 5th of George 2nd, or about that date, which, in distinct terms, recognised slaves as property, and as transferable and inheritable as real property in the West Indies by the heir, and were not considered as assets. He should like to ask the hon. Member for Bandon, why a negro who had been born a slave, might not be as well fitted to become the subject of a contract as any person under the age of twenty-one years was considered to be in this country? since the system of apprenticeship had worked well here, it was absurd for it to be gravely asserted, that it would not apply equally well to the negroes in the colonies. He thought, that it was for the benefit of the negroes that they should be under the restraint of such a system. The law of 1833 was ordained by the Legislature to be valid without any indentures, but it consisted of several contracts; and if this were admitted, he put it to the House whether, in justice, such contracts, which had in many cases become the basis of marriage settlements, and of various other arrangements, ought to be broken by any new legislative measure. He, indeed, doubted whether the labour of a negro would be as valuable if he were free as in his present condition of a slave. He was not so extravagant as to suppose that the condition of the negroes in the twenty colonies had been free from complaint; but let it be as bad as it might, the proprietors who were resident out of the country, ought not to lose, on such an account, the benefit to which they were entitled by the contract. The House had a character to maintain with foreign powers, with the colonies, and with the United Kingdom; and, to support it, it was impossible for a majority of that House not to reject the resolution of the hon. Baronet. After a clause had been introduced into the measure of 1833, to the effect that no compensation money should be paid until the colonies had done all in their power to carry it into full execution—after motions had been brought forward on this subject, both in that House and the other House of Parliament, and rejected by large majorities, he thought it was too much for them to be asked to pursue any course inconsistent with their former proceedings, and in contradiction to their former decisions. He deplored the step which had been taken by the hon. Baronet, for the apprenticeship system would save the negroes from dangers which he was loth to contemplate. Let the House remember the insurrection at St. Domingo, and when they recollected that the number of apprentices was seven times that of the slaves who were to be made free in August, and foresaw the possibility of a recurrence of such dangers as he had alluded to, he was sure they would agree with him, that it was better for the present system to be carried out, than for an alteration to be made which should liberate the negroes at an earlier period than the time agreed on in the measure of 1833.

Mr. *Ward* concurred, in thinking that the less the House proceeded by way of resolution the better, because, as the House was aware, the principles which were thought to belong to resolutions were sometimes departed from. Whatever moral force a resolution of that House might have, it did not possess the force of law; but from the moment when the House of

Commons, whether by surprise or not, had sanctioned that resolution, which it was now sought to rescind, and which it had excited so large an amount of public sympathy, he, for one, felt himself bound to work it out by some legislative enactment. No one, he believed, would vote for immediate emancipation in the strict sense of the word; and in voting for the abolition of negro emancipation, he contemplated the time necessary for preliminary legislation. It had been argued, that it would be unjust to terminate the period of apprenticeship, but the House must be aware, that apprentice indentures were not unfrequently cancelled in this country, whenever misconduct on the part of the master was established; he maintained that the contract had been violated by the West-India planters. It might be true, that the compensation-money was not paid until certificates were given that the Colonial Legislatures had done all that was required of them by the Abolition Act of 1833; but the cause of complaint was, that they since had passed enactments which defeated the object which the Imperial Parliament desired to attain. He was of opinion, that the House should persist in maintaining the resolution of the other night, and by thus taking advantage of that measure of justice and humanity they would place the question on the safest and surest grounds.

Mr. *Ellice* had been pressed very much to vote in favour of the resolution of the hon. Baronet (Sir E. Wilmot), and against the resolutions proposed by his hon. Friend to-night, and he wished shortly to state the reasons why, while participating entirely in the sympathy felt by his constituents for the still unfortunate condition of the negro apprentices of the West Indies; he, nevertheless, found it impossible, consistently with what he considered to be due to the interest of those apprentices, to oppose the original motion before the House. The hon. Member (Mr. Ward) had stated, that all the difficulty of the question would be got over, if, by previous enactments, the great change which must ultimately take place in the condition of the negro could be safely provided for. If this could be done, it might be done consistently with good faith, for, as respected the interest of the planter, there would arise only a question of compensation, which he would not allow to interfere with his disposition to do justice to the slave; but he confessed, that he did not think any measure affecting the provisions of the Act of 1833 would be productive of benefit to any party concerned. A great deal had been said of the difficulty of dealing with such a question as the present by way of resolution. Why, then, had not the hon. Baronet at once introduced his bill, which was to operate with such facility a change in the condition of the negro population, securing, at one and the same time, the liberty of the slave, and the security of the West Indies? He had looked upon the question as one of difficulty long before the present cry had been raised on the subject; he would not call it clamour, for he sympathised with the people out of doors, and entirely concurred with them in thinking that the Legislature was bound, in obedience to the feeling of the country, to take such measures as might safely accomplish the end in view,—namely, the entire extinction of the last traces of this abominable system of slavery. Long before the excitement at present existing with respect to the question he had looked forward to the attainment of that object with hope, but not without alarm, and a deep sense of the responsibility of those who had to prepare and mature the measures necessary to bring to a successful accomplishment that which had been decreed by this great nation. He had considered the state of the social relations in the West Indies, and he found, that a great number of the evils which the people of other countries suffered from, was there provided for by the system of slavery. Of course, that did not constitute any argument for the maintenance of the system; but it established the necessity of enacting matured legislative provisions before a final change was attempted. Under the system of slavery, the planter was compelled by law to maintain the impotent, aged, and infirm negroes. Under these circumstances, and considering that in our colonies different habits and customs prevailed, some being Dutch, some Spanish, some French, as well as English, did the hon. Member (Mr. Ward) think that a change could be easily provided for? Had the hon. Member considered the question of poor-laws as applicable to the West Indies? The state of the finances and of the institutions of the colonies, too, must not be lost sight of. Jamaica, he believed, was in a state bordering upon bankruptcy. Did the hon. Member think that the two years which were to elapse before the termination of the apprenticeship system were more than sufficient to prepare measures to meet the circumstances of the colonies when the great change took place? There was another most important difficulty to be considered. In some of the colonies they had representative institutions, and in others there were no such institutions. In Jamaica they had a local Legislature, which had opposed itself to the Government, and which had acted contrary to the feelings of the country, and in contempt of the Government and the Imperial Legislature. But that assembly still existed, and a local Legislature was undoubtedly necessary. They could not ask Parliament to pass local Acts, because it was impossible that Parliament could understand the local circumstances of the colonies. They must, therefore, take means to legislate for local circumstances out of that House; and the question was, were those means to be found in the colonies? If the slaves were to be made free, they could not deny them a participation in the privileges of freemen, and as a large majority of the population of the West-Indies were negroes, it became important to ask whether they were capable of taking a part in legislation. Were the negroes, without instruction and unacquainted with business, capable, not of governing and of legislating for themselves only, but of legislating also for those who had hitherto been their masters? That was a most important question, which the House ought fully to consider, and to examine whether the unexpired term of apprenticeship was not necessary for fitting the negroes for exercising the privileges of freemen. Then, again, new machinery was required, adapted to the new state of things which would arise in 1840, and time was required for constructing and maturing that machinery. If, too, they gave new institutions to Jamaica, they would require also to give similar institutions to Guiana; for the same sort of Government ought, in his opinion, to be established in all the colonies. What that Government should be he would not have the boldness to pronounce; but, at all events, it was obviously necessary that time should be allowed for mature consideration in regard to the Government best adapted to the peculiar circumstances of the colonies. If they laid their heads together, he thought it possible, before the two years of apprenticeship yet to run were expired, to devise measures calculated to effect the great object which all had in view; but, unless they did so, he confessed he had little hope of the attainment of their object, or of the establishment of institutions in the colonies calculated to promote the welfare and happiness of all parties. The House had a right to expect that one good should result from the frequent discussion of this question, and that was, that the masters must, from those discussions, become sensible that, that House and the country had a watchful eye over their proceedings, and that the Imperial Parliament was determined not to allow a single vestige of slavery to exist after the year 1840. He thought it, therefore, better to allow both parties to arrive at that period in a state of good feeling with respect to each other, and not take any steps calculated to disturb the harmony which existed. He had heard of many persons who were disposed to meet the wishes of the people of this country, and to emancipate the slaves immediately, in order to conciliate them, and to secure a feeling in their favour, when the year 1840 should have arrived. A great many of the West-India proprietors knew, that after 1840 they would be dependent for the cultivation of their estates on voluntary labour, and, therefore, it was impossible not to suppose, that in order to secure the good will of the negro population they would, for the sake of their own interests, treat them with kindness and consideration. In several of the islands emancipation had been granted, and it was but reasonable to expect that other colonies would follow the example. Undoubtedly the greatest difficulties were in the case of Jamaica and the colonies on the coast of Guiana. These colonies were great in point of extent and requiring a great number of persons for their cultivation, and their peculiar circumstances required, that the greatest precautions should be taken in any measures relating to the negro population. He thought, therefore, that they ought not to deal with measures relating to those colonies with precipitation. If any excitement should take place in Jamaica, and if there should be a rebellion in several parishes of that island, it was impossible to say, that they might not be called upon to take some measures calculated to defeat the object which all had in view. Under all the circumstances, and looking at the good effects likely to result from the expressions contained in the resolutions of the Government, he trusted the House would not refuse to agree to those resolutions. There was one most powerful reason recommending such a course. This country wished for the total extinction of slavery, and had set an example to the world of humanity and of consideration for their fellow-creatures. Let them, then, not take any steps calculated to defeat their object, but let them adopt such a course as would enable them to show to other nations, that by safe and judicious steps they had tried a great experiment, and had brought that experiment to a satisfactory conclusion. If they so acted, their example would be followed by other nations, and a final termination would speedily be put to slavery in every part of the world.

Sir *R. Inglis* rose to take his share of the responsibility of a measure which he was well aware was not popular out of doors. He was sorry he could not give his support to the amendment which had been moved by the hon. Baronet. It had been argued, that a contract had been entered into in 1833 by the Imperial Parliament with the colonies, but he contended no contract had been entered into with any one in reference to this question. In that year the Imperial Parliament took upon itself the settlement of the slave question, and he believed, that no Government but that of Earl Grey could have carried such a measure as then passed the Legislature in reference to slavery. But no contract was then entered into, and they only conceded to the slave-owners a sum of money and a right to the labour of the negro population for a limited period, in order to compensate them for the absolute property in the slave population which they had previously claimed. Such were the circumstances of the case; and it could not be disputed that the slave-owners had as good a right to the labour of the negroes for the time stipulated, as they had to the 20,000,000*l.* which had been also granted them; and it was not sufficient to say, that certain persons had acted contrary to the intentions of the Government to deprive them of any portion of what the Legislature had conceded. He looked on the Act of 1833 only as a declaration on the part of the Imperial Parliament that the slaves should have their freedom in 1840; but there was no contract entered into with any one. With respect to the resolutions before the House, he thought the Government would have acted better if they had moved to rescind the resolution which had been carried by the hon. Baronet near him, and did not think they had fairly met the difficulties of the case by the resolutions which had been proposed. That they meant that resolution to be inoperative was obvious; but if it were to be inoperative, why should it be allowed to remain on the journals of the House? He believed it impossible to emancipate the slaves immediately without injury to themselves, yet to allow the resolution to remain on the journals could only tend to create irritating feelings betwixt the masters and the apprentices. Under all the circumstances, feeling that he could not support the amendment of the hon. Baronet near him, and although he could have wished that the Government should have proposed to rescind the resolution for the immediate termination of the apprenticeship system, yet, believing that the resolutions of the Government would be attended with beneficial results, he should give his support to the motion of the hon. Baronet, the Member for Devonport.

Mr. *Baines*: Sir, I certainly rise with some reluctance to reply to the observations of my right hon. Friend, the Member for Coventry. The hon. Gentleman has asked the hon. Baronet who proposed this amendment, why he did not introduce a bill founded on the resolution which passed the House the other night? The answer is, that if he were to introduce a bill, that bill would inevitably, by the opposition of her Majesty's Government, be defeated; and, therefore, the only chance that he has of success is to obtain from Parliament a recognition of the principle avowed by the House on the 22d instant. Therefore I think the answer that must be given by the hon. Baronet is very clear, and that is, that the hon. Baronet does not introduce a bill because such a bill introduced by him would be a total failure, whilst, if it were introduced by her Majesty's Government, it would be carried into effect. But, then, the right hon. Gentleman has said, that there would be great danger in any measure by which emancipation should be given to the negro, and by which there should be that change in society in the West Indies which is contemplated by this amendment. I am old enough to remember having heard this argument used against the abolition of the slave trade; and I apprehend, that whoever has read that able and convincing publication issued by the Marquess of Sligo on the Apprenticeship System, will remember how much his Lordship ridicules that argument. Lord Sligo, who, perhaps, is better acquainted with colonial society than almost any man in this House, says we were first told, that the negroes would all rise on the day on which they were liberated in August, 1834; but did they rise in rebellion? No—they rose only to worship their God — they went to their temples, and they offered praise to that Benefactor who had given them this great good. Then it was said, they deferred their rising till Christmas—at the Christmas holidays most assuredly they would rise and cut the throats of the white inhabitants. He asks, did they rise at Christmas? and replies, No; they enjoyed their festival with great innocence, with great hilarity, and as freemen ought to enjoy it. This apprehension of danger is, I will not say, a bugbear—but it is a chimerical apprehension. I don't believe the least danger would arise from your giving liberty to the slaves, and why do I say so? I say it on the test of experience, because wherever you have made a concession to them, it has at all times been received with gratitude, and disappointed the apprehension of the timid: and therefore, I think, I am justified in saying that the fears expressed by my right hon. Friend, and some other Members of the House, are wholly without foundation. The hon. Member for Sheffield has very justly observed, that co-ordinately with this resolution for the extinction of slavery, you are to take measures to secure the peace and tranquillity of the colonies; and therefore if you pass the amendment of the hon. Baronet (Sir E. Wilmot), you come to the determination to do away with the danger needlessly apprehended. In a certain degree he has put to the test the sincerity of these apprehensions by calling upon you to do an act of national justice. But then, says my right hon. Friend, there is another circumstance against which you ought to be on your guard. He says (and I am surprised to hear a commercial man make the observation) the people of Jamaica are almost all in a state of bankruptcy and insolvency. ["No."] Well, then the finances of Jamaica. I suppose the finances of Jamaica must depend very much on the state of the funds of those who supply those finances, and if they are in that depressed state, it will only be necessary to call for those supplies which are to retrieve them. But it is not our fault if they are in that situation. We have paid their share of the twenty millions of money, and their public or private finances ought not to be in the situation that my right hon. Friend has described. But then, he says, they will want poor-laws if they have liberty. Why, the people of Ireland want poor-laws, and yet they have liberty. And, he says, they also want vagrant laws. Cannot vagrant laws be supplied at the time of granting emancipation, if Government are disposed to take the measure up in good earnest? But it is said, that during the present session you have not time to legislate upon so intricate a subject. I am told, that during the time that remains of this Session, there is an intention to settle two questions that have been very much agitated—the Irish Church and Irish Corporations questions; and if we can have these two difficult questions settled, I do not know why we should apprehend that there is not sufficient time to settle the question that relates to giving Emancipation to the apprenticed negro. I should really conceive there is time enough to accomplish this object, and I do not know why Government should not address themselves to that subject. My right hon. Friend says, that two years are insufficient to provide those laws that are necessary when the state of society is changed. I wish to ask her Majesty's Government what has been done during the four years which have already passed? What has been done since the year 1833? Why have not these measures been proceeding? We knew that this time was to come. It is a reproach on the Government to say there has not been sufficient time to make these preparations. If the preparations are not now complete, there ought to have been some advances made towards them in the four years that have past. My right hon. Friend says, what did you recommend to be done in the report of the committee for inquiry into the working of the apprenticeship system, of which you were a member? I will not shrink from giving an answer to that question? ["*Cheers*."] I see the hon. Member for Newark is cheering that avowal. He stated, on a former occasion, what the committee did, but only partially. I will state to the House what they did more fully, and more candidly and explicitly. I was one of those who agreed to the report of the select committee of 1836, and in that report it was stated distinctly, that it was inexpedient to disturb the arrangements that had been made with respect to the West-India planters, as to the apprenticeship system; and it was also stated, that it was desirable to postpone legislation. But then there is a matter connected with that subject that ought to be brought under the consideration of the House, and it is this—that the committee gave seven recommendations to the colonial legislatures for the regulation of the colonies, and not one of those recommendations has been attended to. The first was, that there should be more reciprocity with respect to the penalties. Now, I beg to know, whether that reciprocity has been established? As far as I know, it was only embodied in Lord Glenelg's Bill, which was brought forward two years after our report was agreed to. Is that a *bonâ fide* reciprocity? Would not, in the mean time, difficulties arise? Has it not been owing to this neglect that this agitation has arisen? What is the next complaint? That there was a want of fairly-constituted tribunals, in order to affix the value of the negroes who wished to purchase their freedom. Have these tribunals been established? or, if they have, are they not of very recent date? It was next said, that protection ought to be given to the special magistrates. Now, whoever is aware of the situation in which the special magistrates are placed, knows they have not had the protection they ought to have enjoyed—that it has been insufficient—that they have been placed in situations continually where impartiality was impossible, and that they frequently went from the table of the planter to the judicial bench, to decide questions pending between the planter and the slave. Next, it was said, that there was a want of proper attention to the provision grounds of the negro. That is a complaint that has remained to the present day. They have been put upon a system by which, as the negroes say, they have been defrauded of almost the only day in the week in which they ought to have the opportunity of cultivating those provision grounds, and the consequence is, that the provision grounds have gone into great dilapidation, and are quite insufficient for the production of what is necessary for their support. The fifth of these recommendations, complained of a want of protection against the flogging of females. Now I am bound to say, that the flogging of females (one of the greatest abuses complained of) has been continued up to the present day. Shall it be said, that after the committee has given these cogent recommendations to Parliament, which have wholly been neglected, they are called upon to adhere to the principle upon which this report was founded?—or shall it be now said, that the apprenticeship system was not to be disturbed after all the recommendations on which its stability was made to depend have been disregarded? The sixth subject of recommendation related to the want of a well-defined marriage-law for the negroes. Now, Sir, I would ask my right hon. Friend, the Under Secretary for the Colonies, whether the subject has not been pressed upon the attention of the Government for the last two years—and whether a promise was not given that attention would be paid to it—and whether, up to the present hour, the negroes are not in such a situation that half the marriages are so solemnised that the parties do not know whether they are legal or not, and that many of the children are, consequently, in a dubious state of legitimacy? Sir, I say, that this is not a state in which these persons ought to be placed. Very far from it. The last of the recommendations of the committee referred to a want of protection to children under six years of age at the time the Slave Abolition law was passed. I believe that protection has never been extended to these children in a fair or satisfactory manner; and if such has not been the case, I maintain that I have established the proposition I set out with, namely, that not one of the seven recommendations of the committee has been complied with, and all the dissatisfaction and discontent that have arisen throughout this country, both in and out of the House, has been owing to this circumstance. But, Sir, I am inclined to press the matter somewhat further—I say, that the noble Lord, the Member for North Lancashire, has been in some degree to blame—and here let me observe, that I by no means wish to undervalue his services—I fully appreciate those services in providing for the ultimate manumission of these unhappy men, and no language can express how much the friends of humanity owe him, and the Government with which he was connected, on that account. I think, however, that after the passing of the Act, there was a want of attention to the interests of the negroes, when he suffered the compensation money to slip through his hands, and go into the pockets of the planters, before he had made arrangements or guaranteeing the fulfilment of the conditions for which that compensation was paid. He was bound by the Act of Parliament to obtain from them a sufficient guarantee that the conditions of the compact should be strictly complied with. In reality, some of those conditions have not been complied with up to the present hour; and if the noble Lord, instead of having been carried away by the excess of his liberality, and his confiding spirit, had kept back the 20,000,000*l.*, and had only paid it when the planters were fairly entitled to it, the question we are now discussing would, in all probability, never have arisen. Now I would beg to ask the noble Lord (and he will have an opportunity of giving me a reply in the course of the evening), whether that adequate and sufficient guarantee was given, on the part of the planters, that the Imperial Act required? From the best attention I have been able to give to the subject, I have been led to conclude that such has not been the case. Sir, I wish now to refer to the provisions of the Act itself for the Abolition of Slavery, and I shall trouble the House with one of its provisions. [The hon. Member here referred to the Act, but finding some difficulty in making out the clause to which he wished to direct attention, Lord Stanley crossed from the opposite side of the House and handed him a copy of the statute.] Mr. Baines then proceeded to read the clause as follows:—

> "And be it further enacted, that, subject to the obligations imposed by this Act, or to be imposed by any such Act or General Assembly, or Ordinance, or Order in Council, as hereinafter mentioned, upon such apprenticed labourers as aforesaid, all and every the persons who on the said 1st day of August, 1834, shall be holden in slavery within any such British colony as aforesaid, shall upon and from and after the said 1st day of August, 1834, become and be to all intents and purposes free, and discharged of and from all manner of slavery, and shall be absolutely and for ever manumitted; and that the children thereafter to be born to any such persons, and the offspring of such children, shall in like manner be free from their birth; and that from and after the said 1st day of August, 1834, slavery shall be and is hereby utterly and for ever abolished, and declared unlawful throughout the British colonies, plantations, and possessions abroad."

Sir, having stated to the House what are the provisions of the Act, I shall now refer to the commentary made by the noble Lord upon that Act. The noble Lord explicitly stated (thinking that the provisions might not be sufficiently clear) what was meant to be enacted. Before the Act had passed into law, and after the bill had been introduced to the House, the noble Lord said:—

> "I propose, then, that every slave on the passing of this Act, shall forthwith have the power of claiming to be put in a situation in which he shall enjoy all the privileges of a free man—in which he shall feel no taint of his servile condition—in which he shall be freed from the atrocious system of irresponsible corporeal punishment—in which he shall have the full enjoyment of his domestic ties—in which he shall not be compelled to see those who are nearest and dearest to him insulted by punishment, or liable to degradation —in which he shall enjoy every right and every privilege of a free man, subject to this restriction, and this restriction only—that he shall for a certain time remain under contract to labour industriously in the service of his present owner, but his then employer."

Sir, I will now ask the noble Lord and the House, whether the negro does enjoy "all the privileges of a free man?"—I will ask the House whether he has not been subjected to imprisonment at the pleasure of the planter?—whether he has not been subjected to punishment at the will of the overseer, without having had that trial to which he was justly and legally entitled? Either such has been the case, or all the statements which have been put forth on the subject are grossly erroneous. But I wish to ask the House further, has the negro felt "no taint of his servile condition?"—has he not every hour of his labour, and even when at rest, been subject to that cruelty and oppression which has very properly been termed "servile," because it was not such as a free labourer would have submitted to? Do we not find by the returns sent home to this country by the special magistrates, that millions of stripes have been inflicted upon these unhappy men; and has not the infamous system of flogging females been proved upon the most complete and irrefragable evidence? and has it not been admitted, that the Act has been violated in the most shameful manner? Then it was said that the negro would be no longer subjected to see his nearest and dearest relations placed in degraded or dishonourable situations; but I would ask if females are not, even to this very day, according to the testimony of Lord Sligo, for the most trifling offences, yoked to carts in the streets, chained to persons of the most degraded and abandoned habits, and placed in situations the most vile and revolting to which a female could be subjected? and whether the morals and characters of the young females are not frequently contaminated, and the manners of the mothers endangered by this most improper and unfeeling conduct? Sir, I appeal to the House, and I would ask, is this enjoying the rights of a free man? Is this enjoying the liberty of a free man? Is this seeing his relations no longer exposed to degradation and insult? I put these questions fairly to the House, and I repeat that in all these cases there has been a gross violation of the contract. It has been asserted that we are the advocates for a violation of the contract, but I tell you that those who have committed a violation of the contract are the parties who, after having given these solemn pledges—after having received the twenty millions of compensation—now subject the apprentices to this degradation and these unwarrantable punishments, which have excited the indignation of every honourable and humane man in the empire. There have been unbounded proofs of the docility and of the kind disposition of the negroes; and yet these oppressed people are to be treated in the manner I have described, and you marvel because they complain. Is it not very natural that they should complain, and that their friends should complain for them? I hear it said that those who create this excitation are labouring under a delusion of mind, and that they display too warm and ardent feelings. I don't wonder at it, but how is it that these feelings are excited? It is because the negroes have not been properly treated—it is because they have been treated unkindly and ungenerously; and is there any thing in which a man can be more unkindly treated than in the article of food? Now I come to the case of British Guiana—and I beg to ask the hon. Member for Newark (Mr. Gladstone) if it is not within his knowledge, that there was an Order in Council, issued when Sir George Murray was in the Colonial Office, after a strict investigation had been made into the wants of the negroes, and after he had ascertained what was the reasonable food that ought to be awarded to them, by which it was ordered that the negro should have twenty-one pints of farinaceous food per week? [Mr. *Gladstone* here expressed dissent.] Does the hon. Gentleman say no? Why, I don't happen to have the Order in Council with me, but I believe he will find there is not the least doubt of the accuracy of the statement I have made. I will put another question—Has not the negro, who was allowed twenty-one pints of flour before the abolition of Slavery, been restricted to ten pints since? Does he believe that? I shall be in a situation to prove, most incontestibly, that since the passing of the Act for the Abolition of Slavery (whatever might have been the quantity before) he has only received ten pints weekly. According to the Order in Council, issued in 1831, while Sir George Murray was in the Colonial Office, negroes were to be allowed twenty-one pints of meal a week, and seven herrings in addition to this; and since the year 1834, their allowance has only been ten pints of flour, three pounds of salt cod fish, and half a pint of salt; making a difference of one half of the whole quantity. Was it not natural that the negro should complain of this, that when he was in a state of what is called liberty, he should only have one-half the quantity of food he had when in slavery! That is the complaint that has been continually made, and it is made up to the present hour. Within the last month there has been an Order in Council issued, by which it is declared that the negro shall have either seventy pounds weight of plantains, or that he shall have what is equal to it —twenty-one pints of flour. I beg to ask my right hon. Friend, the Under Secretary for the Colonies, whether that is not the case? [*A laugh.*] This is not a laughing or light matter—it is very light food, but not a very light subject. It is either true or not, that there has been such an Order in Council. If it is true, what is the inference? Not that the negroes are over-fed now, but that they were under-fed before. [Cries of "*Question, question,*" from the Opposition.] I hope I shall not be thought very obtrusive, when it is considered I have presented to the House not fewer than 100 petitions, perhaps signed by 100,000 individuals, and that I have not opened my mouth either in or out of the House on this matter, during all the time the discussions on this subject have been going on. ["*Hear, hear.*"] I think it cannot be said I have obtruded myself very unfairly, or at undue length, on the attention of the House. I hope I have only done what it is competent for me as a Member of Parliament to do, and I hope I have not done it offensively. I believe the persons who are concerned in what may be called the present agitation, are themselves actuated by the best and purest motives. There have been presented to the House upwards of three thousand petitions on this subject. Those petitions are signed by upwards of a million of people; and shall we have petitions to that amount laid on the table (and from individuals, too, who don't lightly take up a subject) only to be disregarded by the House? There cannot be two opinions in this House, that for the most part the persons who sign those petitions are under the influence of the best principles. Those who know them best esteem them most. After having such an array of petitions, and such statements as I have brought before the House, I think hon. Members will not be of opinion that the measure has been taken up lightly, or in the spirit of party. My hon. Friend opposite (Sir E. Wilmot) has not taken up this subject in a party spirit. I shall vote for his resolution under the perfect confidence that if the House of Commons have the firmness to enact those laws that are necessary for the preservation and tranquillity of the Colonies, it is quite competent to them to do so, without endangering the peace of the Colonies. With respect to any injustice to the planters, I will only say that if you were to terminate the apprenticeship system to-morrow, I do not believe you would do them any injustice. Why do I say so? You ought to give the apprentices compensation for the wrongs they have suffered under the apprenticeship system. They don't ask you for money—they ask you for that which is better than money—liberty. The years of apprenticeship yet to come will be nothing more or less than slavery. With respect to the complaints in Jamaica, it is said, those complaints are not universal. I am of opinion the House is not sufficiently acquainted with the extent of those complaints. When I am supported by such authority as the Marquess of Sligo, fortified by the authority of the magistrates,—and by the authority of official documents—all of which support the case I have laboured so feebly to advocate—after there have been exhibited before the House those statements, I think the House may very safely come to the conclusion that the amendment moved by the hon. Baronet opposite ought to be adopted, and that the Government should be instructed to carry it into law.

Sir *R. Peel* would leave it to others who had more practical knowledge and local information than he had, to enter into the more minute details into which the hon. Gentlemen who had preceded him had gone; his main object was rather to state those leading considerations which had brought his mind to the conclusion, the force of which he most strongly felt, that it was fit the House should not proceed to carry into execution the resolution which, by a majority of three, the House of Commons had affirmed on a preceding evening. He had no difficulty whatever in taking a course either for rescinding that resolution in direct terms, or a course which he considered to be exactly tantamount, namely, the passing of a resolution that the House of Commons was not prepared to carry the resolution of the previous evening into effect. He would not enter into the discussion of the mere terms of the resolution, for the rescinding the resolution of the hon. Baronet, the Member for Warwickshire, would imply, that the apprenticeship system was to continue until the year 1840; and the affirmation of the resolutions moved by the hon. Baronet, the Under Secretary for the Colonies, would imply exactly the same thing,—would be so considered in the colonies, and he apprehended would be as effectual for the purpose of removing delusions and misunderstandings, as if the resolution of the former night was rescinded. He had no difficulty in rescinding that resolution first, because he thought the course of proceeding adopted by the hon. Baronet, the Member for Warwickshire, the proceeding by resolution in a grave matter of this kind, was most objectionable. Here was an Act of Parliament which had been adopted by both branches of the Legislature, involving, in his opinion, a solemn engagement which it was attempted to repeal, not by an Act of Parliament to be submitted to both those branches of the Legislature, but by a single resolution carried after a short debate, precluding that which was most necessary, namely, the consideration of the details, by which alone the principle of such a measure could be judged of. To do this, and thus to evade a compact into which the Legislature had entered, and to evade it without inviting the House of Lords to be a party, was a course which might be taken at any time when the public feeling could be easily excited, and by which the House of Commons might escape all the difficulty of executing its own principle, though from the execution of that principle it was impossible to recede. If the hon. Baronet, the Member for Warwickshire, had asked for leave to bring in a bill, that measure would have passed through the several stages which had been wisely provided in order to guard against precipitate decisions. But the hon. Baronet had not taken that course; he had sought to involve the House, by the decision of one night, in difficulties for which he himself had no solution. He had carried his resolution, and, having done so, now said he left the difficulties arising from it to be dealt with by others. Now, he must say, that nothing could be more unfair in a matter of the gravest importance, and in a question upon which the public feeling was so easily excited. If the hon. Gentleman was confident of the justice of the principle of his resolution, and the feasibility of its execution, he, the author of the resolution, ought to have been prepared with a remedy for the difficulties into which he brought the House; and it was not enough to say that, by a slight majority, he would not only contravene the decision of the other House of Parliament, pronounced some time since, but also the decisions of that House, pronounced not two months since, and then shrink from the execution of his plan, and ask others to frame its details. Therefore, for the purpose of guarding against and discouraging a practice of this nature — a practice, as he conceived, calculated to fetter the deliberate judgment of Parliament,—he had no hesitation in taking a course which would annul the hon. Baronet's resolution; he had no hesitation in taking a course which would amount to this—that the resolution ought to have no effect. He should now state, without exaggeration, and without any attempt at declamation, the train of consecutive reasoning by which he had come to the conclusion, that it would be neither wise nor just suddenly to terminate the period of apprenticeship in the colonies. He apprehended, that that period had been fixed and enacted in the measure of 1833 for a double purpose; first he considered it had been expressly enacted to provide in part the compensation to the proprietors of slaves, and next he considered it had been enacted for the purpose of instituting a preparatory state, which the negroes should pass through previous to the complete termination of slavery. Could there be a doubt, that a contract had been entered into? Why it appeared to him, that if ever there was an engagement entered into by Parliament, it was the engagement, that in compensation for the loss of the labour of the slaves, there should be first a pecuniary grant made to the masters, and secondly, that a proprietorship in their labour as apprentices for a given period should be awarded as part of the compensation. With respect to this point, what had been the language of those by whom the act of 1833 had been passed? What had been said by his noble Friend the author of the measure? His noble Friend on July 24, 1833, stated in this House, " When I introduced this bill, I distinctly stated, (and I do not shrink from avowing it now) that I consider the period of apprenticeship to be part of the compensation to be paid to the proprietors." Could anything be more express than this declaration of the author of the measure? And what said the then Chancellor of the Exchequer the same evening? Lord Althorp said " All I would observe is, that the period of apprenticeship is an essential principle of the bill, and if the period of apprenticeship was reduced to two years it would be equivalent to no apprenticeship at all, and this amendment, if carried, will be totally destructive of one of the main principles on which the bill is founded". But what were the enactments in the act itself? Those enactments gave a right of property in the labour of the negroes during the period of apprenticeship; they enabled parties to dispose, for pecuniary compensation, of the right to labour during the period of apprenticeship. Could, then, any thing be more clear than that Parliament considered that the right to labour was compensation, when it permitted that labour to be disposed of. He would ask what regulations the hon. Baronet proposed with respect to the sales which had actually taken place under the bill? What regulations did he propose with respect to those parties who, relying not only on the implied faith but the positive enactments of Parliament, had disposed of the right they had to the labours of their slaves? Was the party who had paid his money for that labour, to lose it without chance of compensation of any kind whatever? If that was said, then such an act of injustice never was committed. But to remove all doubt that this was the compact, he would quote from the report of a committee to which the hon. Baronet (Sir E. Wilmot) was himself a party in 1836, in which they spoke in these terms of that arrangement by which the labour of slaves, as apprentices for seven years, was made part of the compensation granted to the planters. That committee said :—

> "Under these circumstances, they must express a conviction that nothing could be more unfortunate than any occurrence that had a tendency to unsettle the minds of any class with regard to the fixed determination of Parliament to preserve inviolate both parts of the solemn engagement by which the services of the negroes were secured for a definite period, and under specified restrictions."

Here, then, again was a recognition of that arrangement, as a solemn engagement by the committee which sat to consider the state of the law, and the practice under the law in the colonies, and that committee was composed of men not prejudiced in favour of the proprietors, but who were disposed to execute their duty faithfully and impartially, and they recognised the position for which he contended, that there had been a compact between Parliament and the planters. But it had been said, there was no written engagement. Perhaps not; but there were unwritten engagements which ought to be as binding on Parliament as a contract formally executed; and if the faith of Parliament was pledged to this—if it was understood in the West Indies, in this country, and throughout the world, that this had been an arrangement made for the purpose of depriving the proprietors of any claim or dominion over their slaves, whether that engagement was written or unwritten, he contended, the faith of Parliament ought to be held as solemn an engagement as if the parties had sealed the compact. The question then still remained, had there been any violation of the contract? He took it that the apprenticeship formed a part of the compensation quite as much as the 20,000,000*l*. of money which had been paid, and then he had to inquire, had there been such a violation by the planters generally as would entitle the House to visit them generally with punishment. Of course, he had also to consider whether or not the penalty the hon. Baronet proposed, was a just penalty. Was it to be confined to the guilty, did it exclude the innocent parties from suffering it. If not, he could not consider it a just punishment. Parliament had a just right to interpose to secure to the negro every right and privilege which he was entitled to expect from the Abolition Act, and that would be a just punishment on the planter for a breach of contract; but still it was necessary to ascertain whether or not there had been such an universal, or, at least, such a general neglect, of the compact by the planters as to entitle the Legislature here to fix any penalty, and if so, whether that proposed was a fitting penalty, and consistent with good policy and the permanent interests of the slaves themselves; for care ought to be taken, lest in attempting to punish the planters, the negro population also might suffer. Now he had attempted to read the evidence, and he felt convinced that no satisfaction could arise from referring to individual extracts, because any man, on either side of the question, might make out an excellent case both ways. It was impossible to judge the matter but from general results, because in many colonies the state of things was different. In Antigua, for instance, the legislature had declared for immediate abolition; in Barbadoes, they were maturely considering with good will the possibility of giving effect to the acts of the Imperial Parliament, and that being so, it surely would not be right for the Legislature to interpose, and to rob the Assembly of Barbadoes of the grace of their measures. If so, how could this country expect to govern that colony? Was it to draw a line of demarcation between the white and the black population—to determine the hands in which the power should be vested, and conduct the executive government of the colony in all its branches? If not, surely it was to the interest of the slaves for this country to conciliate the white population. With respect to Barbadoes, would any man, looking at the permanent relations between the whites and the blacks, advise Parliament to take a step by which the white population should learn that the House of Commons had stepped in, and suddenly deprived them of the act of grace and favour which they themselves had contemplated. Nothing could be more unfair and unjust. Look, again, at Jamaica, and there the report before the House led to the same conclusion. Let it not be understood, however, that he was the advocate of the course pursued by the Assembly in Jamaica, for he could not consider it any thing short of infatuation. Seeing how inevitable was the arrival of the period when the slave would be entirely free—when no colonial power could defeat the intention of Parliament—knowing there were two short years only to elapse before the slave would be entitled to every privilege—looking at these things, how any men possessed of legislative functions could not discover it was their own true interest and policy to apply themselves with fidelity and good will to the fulfilment of the wishes and intentions of the Imperial Parliament, and to provide every wise measure for that period, the approach of which was inevitable, he could not understand. But, had there been on the part of the whole West-Indian body such a violation of their duty as would justify the interference now proposed? He did not think there had; and in proof of this position he would take the Report of the Committee of the House of Commons in 1836. It was there stated, that the mutual irritation which had prevailed among the black and white population was decreasing, and that on the part of the negro population industrious habits seemed to be gaining ground. The hon. Gentleman opposite asked why there should be an interval of two years for the purpose of framing preparatory measures, and he said, "What have you done during the last four years?" Why, this delay was recommended by that very committee of 1836, which contained some of the best friends of the negroes, and they declared that it would be most prudent to defer all preparatory enactments till the period immediately preceding the period of emancipation. The House then, was fully justified in not having passed any preparatory measures, because those who were among the warmest friends of the negroes had advised their postponement. With respect to Jamaica, hon. Members opposite had themselves admitted, after a full examination that there was no doubt of a successful result to the experiment in that colony. Antigua had anticipated the period fixed for emancipation, and Barbadoes was preparing to follow her example. Now, what was the case with respect to Guiana? The governor of that colony appeared to have conciliated the good will of the slaves to a degree which rendered his authority on these points most valuable. Any conclusion might be supported from the voluminous extracts laid on the table, but he confessed, that he placed much reliance on the opinion of a man like Sir James Carmichael Smyth. If evidence could be trusted at all, Sir J. C. Smyth seemed to have completely succeeded in conciliating the good will of the negro population. He began by a bold and impartial execution of his duty, and, disregarding alike intrigues and menaces in the discharge of it, he fully succeeded in gaining the affections of the negro population. And what was the opinion of Sir James Carmichael Smyth, with reference to the slave emancipation act in Guiana? He stated, that when he compared the condition of the apprenticed labourers with what he had been as a slave, he felt no small degree of satisfaction in reflecting upon the share which he had taken in carrying this measure into effect. The hon. Gentleman opposite said, that millions of stripes had been inflicted on the apprenticed negro. Now, he thought that it was best to deal with this question without exaggeration. What was the opinion expressed by Sir James Carmichael Smyth with reference to the amount of punishment inflicted in Guiana? Why, that he could lay his head on his pillow with the reflection that throughout the whole colony not one single lash was given which ought to be withheld, and he also said, that looking at what had then been already effected, he could look forward to the greater alterations which must be made in August, 1840, with something like confidence. He said, also, and it should be recollected that this came from one of the greatest friends of the negroes, that the period of apprenticeship ought not to be shortened. Surely it was better to rely on the testimony of a man with the experience of Sir James Carmichael Smyth than on unauthenticated statements, coming from persons whose names were often not mentioned. Looking, then, at the state of Antigua, Barbadoes, and Guiana, he could not come to the conclusion that there had been that general infidelity to their engagements on the part of the West-Indian proprietors which would sanction a departure on the part of the House from the compact which was entered into in 1833. Then arose the question whether the considerations urged by prudence and sound policy would suggest, that with a view of punishing the planter the period of apprenticeship should at once expire. He thought that such a course would be most unjust as far as the planters were concerned, and most unwise with reference to the interests of the colonies. The proposal made by hon. Gentlemen was, to put an abrupt and immediate termination to the state of apprenticeship without any preparatory measures. There might be a difference of opinion upon the question whether apprenticeship ought ever to have been introduced, though he thought, that his noble Friend had done right in substituting that system for a state of slavery, without incurring the fearful risk of an immediate emancipation; but many of those who differed from him on that question, concurred with him in deprecating an abrupt and immediate termination to the existing system. Were hon. Members quite sure that the real comforts of the negro were not more in the power of the whites than they at first imagined, and were they quite certain, that if the negro were suddenly placed in the state of a British freeman he would enjoy all his material comforts? The House should remember that our colonies were not under a despotic Government like that of Spain, which could by a royal ordinance secure to the newly-emancipated apprentices all the practical rights of freemen. Only two years remained for the consideration of measures to be found for the regulation of a new state of society, and he trusted, that the House of Commons would not, by sanctioning a breach of engagement, at the same time be guilty of such precipitation and folly as never could be expected from the Legislature of Great Britain, or indeed from any other legislature in the world. They might depend upon it, when the year 1840 should come, the condition of the master and the apprentice would demand the careful and impartial attention of Parliament. They would have many evils and difficulties to contend with, and unless they showed by their votes to the white proprietor that they acted with deliberate judgment, and held the scales of justice with a steady hand, they would impair and weaken the power which they would then be called upon to exercise. If they in their hearts believed, that the immediate abolition of the system of apprenticeship was just and necessary, let them pass the required enactments; but if once they showed, by yielding to extrinsic impressions, that Parliament was prepared to abdicate its function and to suffer them to devolve on Exeter-hall, he not only thought that they would strike a great blow at the legislative authority of Parliament, but he did not hesitate to say, that they would deprive themselves of that influence which they ought to exercise hereafter in moderating the violent passions which must be excited in our West-Indian colonies. He also felt the full force of the argument which had been urged during this debate, that the conduct of the British Parliament in regard to this question would not only have an important influence upon the condition of the negroes in our own colonies, but also upon the condition of the millions of slaves in other countries. If we told the planters in other countries that this experiment had failed, we might depend upon it that the difficulties in the way of an amicable adjustment of slavery in those countries would be formidably increased. His belief was, that no power on the face of the globe could effect the permanent continuance of slavery. He believed, that the wisest course both for France and America to adopt, would be, immediately to take into their consideration measures for the ultimate termination of slavery. It was impossible to witness the spectacle of 800,000 negroes emancipated by England, without feeling assured that their condition must materially influence that of 5,000,000 of slaves; but, in the name of humanity, let us set others an example of the peaceful and amicable adjustment of this question. Let us beware how by any such act, we put in hazard the realization of this prospect. Were we to tell foreign countries that they had no right to come to any compromise on this subject, and that there was no medium between slavery and immediate emancipation? If we held that language we should be throwing fresh obstructions in the way of a peaceful settlement. He believed, that the great triumph of the experiment would be an amicable adjustment; but if liberty was to be wrested with violence from the master by the slave, he could see nothing in the distance but a long course of violence, anarchy, and bloodshed. If, however, the House of Commons showed that they could raise themselves above the appeals that were made to their passions, and permitted this experiment to be fairly and successfully worked out, they might look forward to a time, perhaps they might even live to see it, when in every other country of the world the very name of slave would be forgotten. But it was possible that by misleading the slave, and by inciting persons to tell him that by a vote of the House of Commons he was actually free, he might be led to acts of violence in endeavouring to assert his liberty which must be repressed by force, and which would not only prevent our own apprenticed negroes from following a course of peaceful industry, but would, at the same time, afford to the slave proprietor of other countries an excuse for doggedly refusing his assent to an amicable adjustment. Upon these grounds he should feel it his duty to give his cordial support to the resolutions proposed by the hon. Baronet the Member for Devonport.

Mr. *O'Connell* said, that the right hon. Baronet who had just sat down had objected to the form in which the hon. Baronet, the Member for Warwickshire, had brought forward his motion this evening. Now he (Mr. O'Connell) thought that, that form, the form of a resolution, was the most convenient, because it placed the principle at issue before the House, and did not enter into details. The right hon. Baronet had exhibited rather a chivalrous spirit in his allusion to the Exeter-hall meetings. He was unwilling, it seemed, that the entire weight of censure should fall on the Government, but was ready to take his own share of it. The right hon. Baronet's allusion to Guiana had been met by anticipation, and answered by incontrovertible facts. The hon. Gentleman, the Member for Oxford, had stated, upon the authority of the Chief Justice of England and of all the colleges at Oxford, that there was no contract between the Legislature and the planters,—that the 20,000,000*l.* was given in the shape of a donation—he repeated, that it was given in the shape of a donation; and that what the Legislature gave, it had a right also to take away. Such was the argument of the hon. Member, and he was only sorry that he had not spoken consistently throughout. What occasioned him (Mr. O'Connell) most regret was, an observation of the right hon. Gentleman, the Member for Coventry (Mr. Ellice). He knew the impression which that right hon. Gentleman's sentiments were in the habit of making on the House, and it was therefore with the greatest regret that he had heard that right hon. Gentleman speak of the numerous delays which must take place before the negroes could be finally emancipated. The right hon. Gentleman seemed to calculate this period at four years. What! were they to have four years more of slavery? According to him, the preparation for freedom would occupy that interval of time. Why, they had had four years of preparation already. The money had been paid, but nothing else had been done. Some hon. Members talked of the danger of a too speedy emancipation; but was there no danger in improper delay. According to the 12th section of the Slavery Abolition Act, "from the 1st of August, 1840, slavery was to be utterly and for ever abolished," subject to the qualifications and restrictions in the act theretofore mentioned; and yet the right hon. Gentleman, the Member for Coventry, spoke of a further interval from the present time of four years. What effect, he would ask, would naturally be produced among the negroes by this vacillation in their enactments—by this irresolution in their decisions, which contradicted in one week the proceedings of the other? If the Government persevered in their present course, it was dubious whether the negroes would not speedily emerge from their present tranquil position. Never had so much of moral agitation been exhibited in this country upon any question as had been displayed upon the present occasion. It was neither idle, nor dissipated, nor profligate, but considerate, legal, and determined agitation. Its promoters had determined to move society to its very centre, because they felt convinced, that the English people had been swindled out of their money, and that the planters had pocketed 20,000,000*l.*, when they should not have touched a single penny. He was glad, that the right hon. Baronet, the Member for Tamworth, had spoken of the propriety of the British Legislature pursuing such a course as would stimulate France and America to emancipate their slaves also. America, more than any other nation of the earth, was disgraced by pursuing this horrible traffic; for she had gone to war with England on the ground that England desired to enslave her, and proclaimed, at that period, that every human being had an inherent right to freedom of action. The

Spanish, the Dutch, the French, and ourselves, had slaves in the West Indies. Of all these task-masters, the Spanish were the best; he was very much afraid that he must say the English were the worst. Yet the negroes had presented themselves before them in an attitude which it was as impossible to praise too highly as it was difficult to overstate their fitness for emancipation. He must say, that the entire weight of evidence was in favour of immediate emancipation. Many of the provisions of the Slavery Amendment Act were a downright insult to the negro. The proof of the negroe's freedom was made to consist in the fact of his working five days out of the seven for nothing. What substantial benefit had he gained by that act? Undoubtedly, he could not be flogged by the master without the master subjecting himself to a penalty. But then he could be flogged through the intervention of the special magistrate, who, if he objected, was forthwith transferred to England, as witness the case of Dr. Palmer. He invented nothing; but who, he would ask, was to talk to him of danger? The whole danger was in continuing the system. He contended, that the 20,000,000*l.* was paid to the planters in violation of the law, and that the English people had been blindfolded. In prematurely paying that money a debt had been incurred to the negro—the debt of protection, which had not been paid; and a debt had also been incurred to the English people. That debt had been incurred, he contended, against the statute. By section 44 of the Emancipation Act, it was enacted,

> "That no part of the said sum of 20,000,000*l.* shall be applied, or shall be made applicable, to the purposes aforesaid, unless an order shall have been first made by his Majesty, with the advice of his Privy Council, distinctly stating, that an adequate and satisfactory provision has been made in the said colony for carrying into effect the present act of Parliament."

It was, therefore, an essential condition that this satisfactory provision should be made. The Privy Council had stated that it was so; but the fact was otherwise. It was now admitted on all hands that no such satisfactory provision had been made. He (Mr. O'Connell) therefore arraigned them of this crime before the people of England. They had stated in their Order of Council that which was not the fact. In their recent legislative enactment they had admitted, that it was not the fact. He turned on them, then, and said, "At length make compensation to the nation." While, to the Representatives of the people of England assembled before him, he said, that they would have to answer to their constituents, to their God, and to their own consciences, for tolerating the continuance of this abomination.

Lord *Stanley*, after the unanswerable speech of his right hon. Friend, the Member for Tamworth, would have felt wholly discharged from the necessity of trespassing on the House, even though, from the official situation which he had formerly held, he might be supposed to have a peculiar connexion with the measure which was now under consideration, but for some observations which had fallen from the hon. and learned Gentleman who had just sat down. That hon. and learned Member had commenced by saying, that the mode adopted by the hon. Baronet, the Member for Warwickshire, so far from being liable to objection, was the most convenient which could be pursued; because—a most singular reason—he avoided entering into details, and contented himself with laying down a broad abstract principle: this was, in his opinion, exactly the same thing as to laud the hon. Baronet, because neither upon himself nor upon those who acted with him, did he take the responsibility of carrying his resolution into effect, and because he also retreated from the minor responsibility of submitting to the House those details by which alone a bill could be arranged—by which alone any effect could be given to the resolution. This was undoubtedly a most convenient course for Gentlemen who were desirous to act upon the feelings and passions of hon. Members—not to appeal to their reason and judgment—who loved to jump at once to the conclusion which they desired to reach, and pronounce the wholesale condemnation of a system. To Gentlemen entertaining such views, the difficulty of their task was materially diminished by generalizing, and undoubtedly the most convenient course for them was to proceed at once by resolution, rather than to grapple with the real difficulties of the case, and bring in a bill. The hon. Gentleman should recollect, however, that the Government must either act upon that resolution, or decline to act; and while the hon. Gentleman recollected that he placed the Government in that situation, he should also remember, that his right hon. Friend, the Member for Tamworth, would feel himself equally deterred by feelings of humanity and justice from carrying such a resolution into effect. Did the hon. Baronet himself propose to carry it into effect? If he did not, did he think it possible, that the resolution could rest unrescinded, uncorrected, on the journals of the House of Commons, without the danger of consequences ensuing of the most alarming and mischievous nature? He had mentioned, that many persons had been led away by exaggerated statements, and the hon. and learned Gentleman afforded him a happy illustration of the manner in which the best-disposed were frequently misled whilst stating circumstances which were afterwards proved to be false. The hon. and learned Gentleman had stated, that the Legislature of Barbadoes had come to the determination not to pass any measure of emancipation themselves, but had resolved to throw it on the British Parliament. Now, it turned out, that this had been proposed by only two or three of the principal speakers of the Legislative Assembly, and surely it was not to be taken as the determination of the whole body; for although the hon. and learned Gentleman was one of the principal speakers himself in the British House of Parliament; yet he should be sorry if the opinions of the hon. Member were taken as expressing those of the House generally on important questions. The hon. Gentleman had stated a case which had occurred in one of the colonies, of some children of a slave having been turned out of doors, and having been left in a state of destitution; but, unfortunately for the hon. Gentleman's correspondent, the case had been sifted to the bottom, and proved to be utterly void of truth. He held in his hand a despatch from Sir Evans Macgregor, Governor of Barbadoes, to Lord Glenelg, dated the 12th of June, 1837, containing the result of the inquiry, that had been made into this case, and stating, that the charge had been totally refuted. He could mention other instances in which misstatements had been made; one in particular which had been made in that House by Mr. Buxton, than whom there was no man more conscientious; but, from having been misled, he stated facts which seriously reflected on the character of the Solicitor-General of Barbadoes. By a special committee, the charge proved unfounded, and Mr. Buxton then declared his regret at having stated anything which was untrue, and of which he had been misinformed, that had wounded the feelings of any member of the Colonial Government. The charge, that had been made, he would repeat, had been most distinctly answered in the negative by the authorities of the colony, and several letters had been received from the stipendiary magistrates, saying, that no such fact had occurred. But cases like these, which could not be sifted here, were made the subject of exaggeration at public meetings, and credulous persons assented to the statements they heard; whilst the authors of them, who refused to agree to a committee of the House being appointed to investigate them, might act, perhaps, with honest feelings, but were doing great injustice to the planters of the West Indies; and if their views were acted on, they would involve this subject in interminable difficulty. The charge, that he had alluded to was said to be taken from a paragraph in a newspaper—surely not a good foundation for such a charge — and arrived only that day; but it was only a repetition of a charge, that had been already made a matter of inquiry, and had been refuted. That was not the time for discussing the merits of the apprenticeship system in the first instance; it was not the question then whether unqualified freedom ought to have been given or not; whether danger might have arisen from the former course, or whether a preparatory condition ought to be imposed. He certainly entertained strong opinions on that point, and he had never uttered those opinions, that if in 1832 unqualified freedom had been granted to the slaves, the safety of the West-Indian colonies would have been hazarded, and the happiness of the negroes endangered. Those, too, were the opinions held at that time, and he believed now, by persons who had been advocates of the measure, and had since watched its progress, by persons who had been examined by Parliament as to the feelings and influence that then existed in the West Indies. It was not possible to argue now on a course which had been taken five years ago from the experience gained since that time, but he was quite prepared to take upon his shoulders the responsibility, as a Minister of the Crown, of having passed a measure, which without bloodshed, violence, or ruin, but with justice to all proprietors, had produced such great and satisfactory results, and which had been thus characterised after an interval of five years by his successor in the Colonial-office. Lord Glenelg in the latter part of 1837, speaking of the apprenticeship system, although the hon. and learned Member (Mr. O'Connell) observed, that nothing had been done under it, said "that the experiment had been such as to justify the most sanguine hopes of the authors and advocates of the measure, after deductions had been made for the abuses which necessarily existed in consequence of the previous colonial system. That he felt himself entitled from satisfactory evidence to assert, that in the comparatively short period a great improvement had taken place in the society of the colonies, and, that there had been an accession to the sum of the honour and happiness of the colonists." He further said, "that it was not the least gratifying part to know, that instead of causing any relaxation of those bonds by which the Sovereign and the people were united, it had, on the contrary, created a greater respect for the law, had increased the sense of security from better notions of the value of property, and, that a foundation had thus been laid for the safe accomplishment of the transition from slavery to freedom which was so near at hand." That was the statement of Lord Glenelg; not an *ex parte* statement derived from false reports of atrocities made by stipendiary magistrates, but a statement made after a calm and general review of all the colonies as to the operation of a most perilous experiment. When he read such testimony as this, and knew, that the question before Parliament was not whether the system should be perpetual, or some change be made to move corrupt freedom, but whether within two years, when no preparation had been made in consequence of the advocates of the negroes having objected to such preparation until the last moment, a system which might terminate safely if well provided for, but might be attended with danger if changed before, was to be at once given up; he must say he thought no man could be found who would risk the result of an experiment which had succeeded so much beyond the hopes of its most sanguine advocates. The hon. Member for Coventry had said, that under no circumstances would he agree to the suspension of the Legislatures of the colonies; but how could they hope for their serious co-operation if on such grounds as these the House took on themselves to do that which the colonial Legislature had contended, and which he contended, was a breach of faith in a national engagement? The hon. Gentleman, the Member for Oxford, had said, there was no contract; but he must distinctly say, that he brought forward this measure, with the clauses for compensation-money, and the apprenticeship system, as part of the stipulation with the planters to give up their slaves. These two points had been matters of discussion and negotiation with the West-India body, and though the money had been afterwards augmented by Parliament from 15,000,000*l.* to 20,000,000*l.*, the term of apprenticeship had been diminished from twelve years to six. But what was the condition proposed at the time? That the compensation-money should not be received by the colonists until provisions had been made, for carrying the measure into perfect execution. It was then stated to His Majesty in Council, that adequate and satisfactory provision had been made, and all the consequent Orders in Council were laid on the table of the House. If Parliament had not then trusted the declaration of Ministers, that such provision had been made, it was their duty to have called for the act of the colonial Legislature, and to have interposed, but they were then allowed to be sufficient for the purpose. He admitted there were defects in the acts, but Lord Mulgrave, then Governor of Jamaica, had thought them adequate. The Government, however, did not rest on his authority alone for the acts were examined by Mr. Stephens and other authorities, and they then decided, that they were satisfactory to the full extent required by the statute. To those who said nothing had been done under the apprenticeship system, he would read a portion of a despatch received from Sir James Carmichael Smyth last year in reference to this subject:—"He congratulated Lord Glenelg on the improved state of the colony (British Guiana), and the increased moral and religious feeling, evidenced by the number of marriages, by the communicants at the sacraments, by the children who attended the schools." He spoke of the "improved condition of the labouring classes, proved by the quantity of manufactures exported, and said, that the transition from the dejected and almost naked slave to the cheerful and decently clad labourer could only be believed by those who had recently revisited the colony after an absence of several years. The apprenticeship system was to teach the negroes to depend on their own industry." The extracts he had read were a vindication of the system, and proved what a positive infatuation it was on the part of those who wished to interrupt so happy, and at the same time so rapid a progress to emancipation. The governor, Sir J. C. Smyth, said also, that looking to the change which had already taken place, he looked forward to the change of 1840 without any great degree of apprehension. Now, if in a colony the highest, perhaps, of any except Antigua and Barbadoes, where the preparations were more advanced, the governor only looked forward satisfactorily to emancipation by the present course, how could the House think to secure the safety, happiness, and increasing prosperity of a colony less advanced, where there had been less preparation by law, if they broke in on its progress, necessarily slower than in Guiana, by violently seizing on that term which had become the right of the proprietors, and thereby setting the parties in irreconcilable hostility with each other? He would ask the House whether it was not double madness, knowing, that the resolutions proposed could not be carried into effect, to send them out to the colonies as the resolutions of Parliament; which, by the excitement they would cause, would tend to destroy the peaceful spirit that at present existed there? He hoped the House would not be led away by the declamations on the one side against the sound and logical arguments employed by the other. Let it be understood that the British Parliament would not permit the smallest infraction of the obligations entered into; that it would not listen to any proposition to prolong the term of negro apprenticeship; and he did entertain a hope, that by the joint efforts of the British Government and the colonial legislatures, the two years yet to elapse, which were not one moment too long, might be usefully employed in devising those laws which were necessary to lead the negro population from the transition condition of apprenticeship into the state of wholesome and constitutional freedom.

Dr. *Lushington* was understood to say, that the system of apprenticeship, which the noble Lord opposite considered it almost madness to touch, had been established by a majority of seven votes only, and that it was, in point of fact, condemned by the act lately passed to compel the colonial legislatures to carry into effect the intentions of the Slavery Abolition Act. He had been disgusted with some of the observations which had been made in the course of the debate. The hon. Member for Waterford had thought fit to argue this question in the same way as if he had been discussing the sale of a horse or the purchase of an estate, when the subject under consideration was, in reality, the happiness, prosperity, and freedom from oppression, of 700,000 human beings. The right hon. Baronet opposite had referred to the state of Guiana; and he, therefore, begged to inform the right hon. Gentleman that the acting governor of that colony had in a despatch, dated the 17th of March in the present year, speaking of one of the largest estates, the proprietor of which had received the greatest amount of compensation-money, observed, that he viewed with the deepest regret and indignation the hospital system, and expressed his astonishment that it should hitherto have escaped detection. The hon. Member for Coventry had told the House, that he was not prepared to legislate on the subject unless in connexion with some proposition for a poor-law. He could tell that hon. Gentleman that he had carefully investigated the working of the poor-laws existing in some of the colonies, and the result of his examination was, that out of 100 persons receiving relief, ninety-eight were whites, and two only were blacks.

Lord *J. Russell* having been expressly appealed to by the hon. Member who last addressed the House, and by other hon. Members, he felt he should not be doing his duty if he did not declare his determination to support the motion of his hon. Friend near him, and to oppose the amendment of the hon. Baronet opposite; and, in reference to the petitions which had been presented to the House, praying for the immediate abolition of the apprenticeship system, he wished at once to state the opinion which he entertained of the petitioners. He believed the hon. Member for Dublin was guilty of no exaggeration when he said that a large portion of those petitioners were pious, religious, and most estimable individuals; but, although he fully admitted, that such was the case, yet, a large majority of them were the same individuals who had petitioned the House on the subject previous to the passing of the Act of 1833, and who held a conscientious opinion that slavery in any form was a sin of so deep a dye, that nothing short of its immediate and entire abolition ought to be tolerated or contemplated. He respected such persons, but, at the same time, he must say, that in many instances, their opinions were not formed from investigation, and that they did not take into consideration the certain consequences which would result from such measures as they advocated. Combined with those individuals, there were many, he was persuaded, who had yielded to the representations which were made to them, and who did not act from the impulses of their own reason. There were, however, others—he hoped they were but a few—who acted from a desire to injure a party opposed to them in their views, or from a wish to injure political opponents. Now, he did think, that entering on this great question which involved the welfare of thousands of their fellow-creatures solely from a desire to injure certain members of the Government in the estimation of their constituents and supporters, was a course of proceeding tending to degrade a great cause, to lower such persons in the estimation of the country, and make them unworthy to associate with those most estimable individuals who conscientiously advocated the immediate abolition of slavery. As to the question before the House, the debate had already shown how that stood. When they first entered on any legislative measure for the emancipation of the slaves, they saw other nations holding in a state of oppression hundreds of thousands of their fellow-creatures, and the attempt made by Earl Grey's Government was to put an end to slavery, and, by gradual means, to introduce social improvement throughout the slave colonies. That great experiment was now in progress, and they had arrived at a period when they might confidently expect a happy conclusion to their undertaking. But in order to the attainment of that desired object it was necessary to have all parties in the colonies and at home acting together in perfect harmony, and it was essential that nothing should take place tending to irritate the feelings of any party, or to create disunion in the colonies. It was for that reason that he had looked with apprehension at any motion similar to the one which had been moved by the hon. Baronet opposite: and he looked on that motion with the more apprehension, from the conduct of the hon. Baronet after he had carried his resolution. When the resolution was carried, he had asked the hon. Baronet what steps he intended to take; and the answer he had received was, that the hon. Baronet did not intend to take any immediate steps to carry out the object of the resolution which the House had sanctioned, but that he reserved to himself the power of taking any steps he might deem necessary at some future period. Now that, in his estimation, was a most dangerous course, and it became therefore necessary for the Government to take steps to inform the colonial population whether Parliament intended to carry the resolution which had been adopted, into effect or not. If the resolutions proposed by the Government were carried, the effect would be that the act for the emancipation of the negroes would go on, and time would then be given for the preparation of the various measures necessary on the alteration which would take place in the condition of the negro population in 1840. If the House did not interfere to limit the period stipulated for the continuance of the apprenticeship system, and thus create irritation, the best results might be expected; but if those expectations were disappointed, then the House would have to thank itself, or those who had attempted to mar a fair experiment, should confusion and irritated feelings take the place of order and harmony.

The House divided on the original motion:—Ayes 250; Noes 178: Majority 72.

List of the Ayes.

Acland, Sir T. D.
Acland, T. D.
Adam, Admiral
Adare, Viscount
Ainsworth, P.
Andover, Visct.
Anson, Colonel
Anson, Sir G.
Arbuthnot, hon. H.
Ashley, Lord
Baillie, Colonel
Ball, N.
Bannerman, A.
Baring, hon. F.
Baring, H. B.
Baring, hon. W. B.
Barrington, Visct.
Barron, H. W.
Barry, G. S.
Bell, M.
Bellew, R. M.
Benett, J.
Bethell, R.
Blackett, C.
Blair, J.
Blake, W J.
Blandford, Marquess
Bolling, W.
Bramston, T. W.
Broadley, H.
Buller, E.
Burdett, Sir F.
Burroughes, H.
Byng, rt. hon. G. S.
Calcraft, J. H.
Callaghan, D.
Campbell, Sir H.
Campbell, Sir J.
Campbell, W. F.
Canning, rt. hn. Sir S.
Carnac, Sir J. R.
Cavendish, hon. C.
Cavendish, hn. G. H.
Childers, J. W.
Clay, W.
Clayton, Sir W. R.
Clements, Viscount
Clerk, Sir G.

Colquhoun, J. C.
Corry, H.
Courtenay, P.
Crawford, W.
Cresswell, C.
Curry, W.
Dalmeny, Lord
Darby, G.
Douro, Marquess
Dowdeswell, W.
Duckworth, S.
Duncan, Visct.
Dundas, F.
Dundas, hon. T.
East, J. B.
Eastnor, Viscount
Elliott, hon. J. E.
Ellice, Captain A.
Ellice, rt. hon. E.
Estcourt, T.
Fazakerley, J. N.
Fellowes, E.
Ferguson, Sir R. A.
Fergusson, rt. hon. R. C.
Fitzalan, Lord
Fitzgibbon, hon. Col.
Fremantle, Sir T.
French, F.
Freshfield, J.
Gladstone, W. E.
Godson, R.
Gordon, R.
Gordon, hon. Capt.
Goulburn, rt. hon. H.
Graham, Sir J.
Greene, T.
Grey, Sir C. E.
Grey, Sir G.
Grimston, hon. E. H.
Grosvenor, Lord R.
Halford, H.
Hardinge, Sir H.
Hastie, A.
Hawkins, J. H.
Hayter, W. G.
Heneage, E.
Henniker, Lord
Herbert, hon. S.
Heron, Sir R.
Herries, rt. hon. J. C.
Hinde, J. H.
Hobhouse, right hon. Sir J.
Hodgson, R.
Hogg, J. Weir
Holmes, W.
Hope, G. W.
Houston, G.
Howard, F. J.
Howard, P. H.
Howard, R.
Howard, hon. W.
Howick, Visct.
Hughes, W. B.
Hurt, F.
Hutton, R.
Ingestrie, Visct.
Ingham, R.
Inglis, Sir R. H.
Irving, J.
Jenkins, R.
Jephson, C. D. O.
Jermyn, Earl of
Johnstone, Hope
Jones, T.
Knight, H. G.
Labouchere, rt. hn. H.
Lambton, H.
Lascelles, hon. W. S.
Lefevre, C. S.
Lemon, Sir C.
Leveson, Lord
Loch, J.
Lockhart, A. M.
Lowther, Colonel
Lucas, E.
Lygon, General
Lynch, A. H.
Mackenzie, T.
Mackenzie, W. F.
Macleod, R.
Macnamara, Major
Mahon, Visct.
Manners, Lord C.
Marshall, W.
Marsland, T.
Maule, W. H.
Melgund, Visct.
Mildmay, P. St. J.
Miles, P. W. S.
Milton, Visct.
Morgan, C. M. R.
Morpeth, Visct.
Murray, rt. hn. J. A.
Nicholl, J.
O'Brien, C.
O'Callaghan, hon. C.
O'Ferrall, R. M.
Ord, W.
Packe, C. W.
Paget, Lord A.
Pakington, J. S.
Palmer, C. F.
Palmer, R.
Palmer, G.
Palmerston, Visct.
Parker, J.
Parker, M.
Parnell, rt. hn. Sir H.
Patten, J. W.
Peel, rt. hon. Sir R.
Pemberton, T.
Pendarves, E. W.
Philips, M.
Philips, G. R.
Pinney, W.
Plumptre, J. P.
Ponsonby, C. F. A. C.
Ponsonby, hon. J.
Power, J.
Power, J.
Price, Sir R.
Pringle, A.
Pryme, G.
Pusey, P.
Rae, Sir W.
Ramsbottom, J.
Reid, Sir J. R.
Rice, rt. hn. T. S.
Rich, H.
Rickford, W.
Rolfe, Sir R. M.
Rose, Sir G.
Round, C. G.
Rumbold, C. E.
Russell, Lord John
Russell, Lord C.
Scrope, G. P.
Seymour, Lord
Sharpe, General
Sheil, R. L.
Shelburne, Earl of
Sheppard, T.
Shirley, E. J.
Slaney, R. A.
Smith, J. A.
Smith, Abel
Smith, B.
Smith, R. V.
Somerset, Lord G.
Speirs, A.
Spencer, hon. F.
Standish, C.
Stanley, Lord
Stanley, W. O.
Stuart, Lord J.
Stuart, V.
Strutt, E.
Sturt, H. C.
Surrey, Earl of
Talbot, C. R. M.
Talbot, J. H.
Tancred, H. W.
Teignmouth, Lord
Thomson, right hon. C. P.
Thornhill, G.
Trevor, hon. G.
Troubridge, Sir E. T.
Vere, Sir C. B.
Verney, Sir H.
Vernon, G. H.
Villiers, Visct.
Vivian, J. E.
Vivian, right hon. Sir R. H.
Waddington, H. S.
Walker, C. A.
Walker, R.
Wall, C. B.
Westenra, hon. H. R.
Westenra, hon. J. C.
White, S.
Wilbraham, G.
Williams, R.
Williams, W. A.
Wodehouse, E.
Wood, C.
Wood, Colonel T.
Wood, T.
Woulfe, Sergeant
Wrightson, W. B.
Yates, J. A.
Young, J.

TELLERS.
Stanley, E. J.
Steuart, R.

List of the NOES.

Aglionby, H. A.
Aglionby, Major
Alford, Visct.
Alsager, Capt.
Alston, R.
Archbold, R.
Attwood, W.
Attwood, M.
Attwood, T.
Bailey, J., jun.
Bainbridge, E. T.
Baines, E.
Barnard, E. G.
Beamish, F. B.
Berkeley, hon. H.
Bewes, T.
Blackstone, W. S.
Blake, M. J.
Blennerhassett, A.
Boldero, H. G.
Bower, J.
Brabazon, Sir W.
Briscoe, J. I.
Broadwood, H.
Brocklehurst, J.
Brodie, W. B.
Brotherton, J.
Bruges, W. H. L.
Bryan, G.
Bulwer, E. L.
Burr, H. D.
Busfield, W.
Butler, hon. Col.
Byng, G.
Cantalupe, Visct.
Cayley, E. S.
Chandos, Marquess of
Chetwynd, Major
Collier, J.
Collins, W.
Copeland, Alderman
Craig, W. G.
Crewe, Sir G.
Dashwood, G. H.
Denistoun, J.
D'Eyncourt, right hn. C. T.
De Horsey, S. H.
Dick, Q.
D'Israeli, B.
Divett, E.
Duff, J.
Duke, Sir J.
Dunbar, G.

Duncombe, T.
Duncombe, hon. A.
Easthope, J.
Eaton, R. J.
Eliot, Lord
Etwall, R.
Evans, Sir De L.
Evans, G.
Evans, W.
Farnham, E. B.
Fector, J. M.
Feilden, W.
Fielden, J.
Finch, F.
Fitzroy, Lord C.
Foley, E. T.
Forrester, hon. G.
Gibson, T.
Gillon, W. D.
Goddard, A.
Gore, Ormsby J. R.
Gore, Ormsby, W.
Goring, H. D.
Grimsditch, T.
Grote, G.
Guest, J. J.
Hall, B.
Handley, H.
Harland, W. C.
Harvey, D. W.
Hawes, B.
Hawkes, T.
Hector, C. J.
Hill, Lord A. M. C.
Hindley, C.
Hodges, T. L.
Hollond, R.
Hope, H. T.
Horsman, E.
Humphery, J.
Hurst, R. H.
Hutt, W.
Jackson, Sergeant
James, W.
Jervis, J.
Jervis, S.
Johnson, Gen.
Jones, J.
Kelly, F.
Langdale, hon. C.
Leader, J. T.
Lister, E. C.
Litton, E.
Long, W.
Lowther, J. H.
Lushington, Dr.
Lushington, C.
Martin, J.
Master, T. W. C.
Mathew, G. B.
Meynell, Captain
Miller, W. H.
Monypenny, T. G.
Morris, D.
Muskett, G. A.
Neeld, J.
Neeld, J.
Noel, W. M.
O'Brien, W. S.
O'Connell, D.
O'Connell, J.
O'Connell, M. J.
O'Connell, M.
O'Connell, M.
Parker, R. T.
Parker, T. A.
Parrot, J.
Pattison, J.
Pease, J.
Pechell, Captain
Peel, Colonel J.
Philpotts, J.
Polhill, F.
Protheroe, E.
Rice, E. R.
Richards, R.
Rippon, C.
Roche, E. B.
Roche, W.
Rolleston, L.
Round, J.
Rundle, J.
Salwey, Colonel
Sanderson, R.
Scholefield, J.
Seale, Colonel
Sibthorp, Col.
Sinclair, Sir G.
Stanley, E.
Stanley, W. M.
Stansfield, W. R. C.
Staunton, Sir G. T.
Strickland, Sir G.
Style, Sir C.
Talfourd, Sergeant
Tennent, J. E.
Thompson, Alderman
Thornley, T.
Townley, R. G.
Trench, Sir F.
Verner, Colonel
Vigors, N. A.
Villiers, C. P.
Vivian, J. H.
Walsh, Sir J.
Warburton, H.
Welby, G. E.
Wemyss, J. E.
White, A.
Wilde, Sergeant
Williams, W. A.
Winnington, T. E.
Winnington, H. J.
Wood, Sir M.
Worsley, Lord

TELLERS.

Wilmot, Sir E.
Ward, H. G.

* * *

HOUSE OF COMMONS,

Tuesday, May 29, 1838.

Minutes.] Bills. Read a third time:—Exchequer Bills.

Petitions presented. By Mr. Power, several, from the county of Westmeath, praying for Corporate Reform.—By Mr. Muskett, from places in the county of Mayo, Ireland, against the Irish Poor-law.—By Mr. Parker, from a parish in Devon, to apply Church Property to Church purposes.—By Mr. Warburton, from Medical Practitioners of Sheffield, complaining of Uneducated Practitioners; from Physicians and Apothecaries in the province of Ulster, complaining of the Irish Apothecaries' Act.—By Mr. Currie, from Linen Manufacturers of Armagh, for the continuance of the existing Act relating to this Manufacture.—By Mr. Sergeant Jackson, from Donegal and Cork, against the National system of Education (Ireland); from the Clergy of Dublin, that the ten Sees suppressed should be restored.—By Mr. T. B. Hobhouse, from Aylesbury, against Negro Apprenticeship.—By Dr. Lefroy, from the Warden and Vicar of the Royal College at Galway, that the rights of that College be protected against the operation of the Municipal Corporation Bill.—By Mr. Brocklehurst, from the Corporation of Macclesfield, that the privilege of Appointing Local Coroners might be extended to Boroughs holding separate Quarter Sessions; and from the same place, for a reduction of Postage.

Municipal Corporations (Ireland).] Lord J. Russell moved the order of the day for the House resolving itself into a Committee of the whole House upon the Municipal Corporations (Ireland) Bill.

On the question that the Speaker do leave the chair.

Sir *R. Peel* said, he would avail himself of that occasion to fulfil the promise which he had given some days ago, that he would take an opportunity, previous to the House going into Committee on the Municipal Corporations (Ireland) Bill, to indicate his views and intentions with respect to those general measures of Irish policy which were now waiting for the consideration and determination of Parliament. His wish was not to enter into a minute examination of the details of those measures, but rather to give a clear and comprehensive view of the principle which he intended to apply to them when they were brought before the House. On the details, therefore, he would reserve himself, and would not then minutely examine them, lest he should encumber his argument, or fail to give a comprehensive view of the principle by which he would be guided in the consideration of those important measures which were before Parliament relating to Ireland. He would preface the statement which he intended to make by referring to a statement which had been made last session in the other House of Parliament by a noble

Friend of his. When, on account of the death of his late Majesty, her present Majesty's Government signified their intention of postponing the Irish Municipal Bill till another session, the Duke of Wellington made the following declaration —a declaration which had been been previously quoted by the noble Lord (Russell) opposite, in a debate on another Irish measure, during the present session. On the 29th of June the Duke of Wellington said—

> "In former discussions with respect to this bill (the Irish Municipal Bill) I stated my objections to it. I still retain the same objections. At the same time, I must say, that it is my anxious wish to put an end to the discussions with respect to this bill, the Irish Tithe Bill, and the Irish Poor-law Bill, by bringing them to an amicable termination. I earnestly wish to put an end to the tithe question, which was introduced seven years ago. I wish some provision should be made for the poor in Ireland. I am desirous to see the corporation question settled, when arrangements can be made for carrying out the other questions connected with it. I am most desirous that the Parliamentary discussion, that now occurs from year to year should be brought to a close."

In the course of the last session, and in the course of the present session, he had declared his entire concurrence in the sentiments which had been expressed by the Duke of Wellington. He stated, that it was his earnest desire, if possible, that some arrangement should be made tending to effect a satisfactory adjustment of all those important questions, and that the Members of the Legislature might be permitted to apply their minds to the consideration of the general interests of Ireland without being met by those feelings which disputes on those questions naturally engendered. In the course of last year he had made a declaration on the third reading of the Municipal Corporations Bill, which was a clear indication of the course which he would pursue in relation to all the Irish measures before the House. On the 11th of April, 1837, he stated, that—

> "If on seeing those two measures with respect to the Irish Church and the establishment of poor-laws in Ireland I should be prepared to modify in any degree my opposition to the Municipal Corporation Bill—then I tell the noble Lord, that my chief anxiety would be, being in opposition, to declare distinctly what those modifications were. Knowing the principles on which it is proposed by the Government to settle the poor-law question and the tithe question, we on our part ought not to deal in vague generalities with respect to the Municipal Bill. If we oppose it altogether on permanent grounds, that should be distinctly avowed, and by that rule we ought to abide. If we are prepared to make concessions, the nature and extent of such concessions ought not to be withheld, but to be fully explained."

Now, it was not merely because those declarations, previously made, might be supposed still to be binding on the individual who made them, but because he continued to entertain fully and entirely the opinions then set forth, that he came forward to give the explanation he had promised. He did retain the same anxiety which he had last year professed to see those important questions brought to an amicable termination, and he held it incumbent on them, being in opposition, after the length of time, that had elapsed since these measures were first proposed, provided he and his friends had full satisfaction given them upon those questions on which they differed with their opponents—he referred more particularly to the interests of the Established Church in Ireland—he did think it incumbent upon them, if they received that satisfaction, not to deal in vague generalities with respect to the Irish Municipal Corporations Bill, but frankly to inform the Government what the modifications were which they were willing to accept. If they were prepared to offer a permanent and uncompromising opposition to any of the measures of the Government, that opposition ought frankly to be declared. If, on the other hand, they foresaw the necessity of settling all those questions which had reference to Ireland—if they foresaw the necessity, for instance, of granting corporations to Ireland—and if they saw the expediency of granting them, then they ought not to withhold those views and intentions from the Government; but, on the contrary, those views and intentions ought frankly to be stated, in order that the Government might be enabled to act with more celerity and effect. The noble Lord opposite, and others, seemed to think, that the course which the Opposition had pursued, on the proposal of his hon. Friend the Member for Devonshire, to rescind the resolutions of 1835, was inconsistent with those former declarations. The noble Lord opposite, and his friends, appeared to infer, that they had changed their minds with respect to the expediency of settling the question of the Irish corporations. Some thought that they were more satisfied with the present condition of the Irish Church than they formerly were, that they were disposed to rest on the existing law, with respect to the property of the Irish Church, and that being satisfied with the conditions of the Church, they were disposed to postpone the settlement of the question of Irish corporations. If such were the impression upon the mind of the noble Lord, it was most erroneous. If such had been the motives by which they were actuated in bringing forward the motion for rescinding the resolution of 1835, then why should they not be influenced by the same motives now? On the division which took place on that occasion, 312 or 314 Members recorded their opinions, in opposition to the principle of appropriation. If, therefore, that motion was brought forward, with a view to avoid the consideration of the question, or from a desire to postpone its settlement, there could be no reason why, after that demonstration of opinion and of strength, they should not still be governed by the same motives. But that motion was not brought forward from any such motives, nor with any such views; and although he was desirous not to revive the asperities of a former discussion, yet he wished distinctly to state what the grounds were on which that motion was proposed. They thought it essentially necessary to place upon record their continued adherence to their resolution, not to admit the alienation of church property. They thought that there was not, in the resolutions moved by the noble Lord, nor in the short speech which the noble Lord delivered on proposing their adoption by the House, a distinct disclaimer of the appropriation principle, nor a distinct statement as to the extent to which that principle was involved in the resolutions which were moved. They found those resolutions sent to Ireland unattended with any explanation, and they found, that an opinion, perhaps an erroneous, but not an unnatural opinion, was formed in that country, that appropriation was involved in the resolutions proposed by the Government. Those persons in Ireland who were naturally sensitive in regard to the alienation of church property, found, in one of the resolutions, the word "appropriation," the word "surplus," and the word "education," and they came, in consequence, to the conclusion, that the principle of appropriation was involved. Nor was that conclusion an unnatural one, seeing that two Members of that House had stated, that, after the most mature consideration, they had been unable to discover what the real object of the resolution was. The hon. Member for Wiltshire stated, that after two days' discussion, to which he had given the greatest attention, he was unable to discover what the resolutions meant with regard to appropriation; while another hon. Member (the hon. Member for Sheffield), the author of the appropriation resolution, distinctly declared that, with all his experience in alienation principles, and although he had diligently applied his mind to the subject, his first impression was, that the resolutions were vague and ambiguous, and his second impression, that they did include the germ of appropriation. Now it was impossible for them to enter upon resolutions so vague and ambiguous, or which did actually contain the principle of appropriation; and they therefore felt it to be their duty manfully and openly to declare their views, and their determination on the subject of appropriation, and their continued adherence to those principles by which they had hitherto been actuated. The hon. Gentleman said, "Why bring forward a motion which you know her Majesty's Government will not accede to?" His answer was, "Because we thought you meant to invite us to a discussion of resolutions, containing a principle to which we never could consent. To ask them to discuss a resolution, as to the extent of the reduction to be made in the Church revenues, without making it clear what the intentions of the Government were, with respect to the appropriation of Church property, was manifestly unfair, because they must refuse to state their views until Members had told them fairly, whether the plan included either the principle or the germ of appropriation. It was therefore necessary, at some time or other, for our own satisfaction, as well as the satisfaction of the country, that the appropriation principle should be properly discussed. Whatever opinions he and those who concurred with him, might have entertained, with regard to bringing forward a resolution on the abstract principle, or however recent experience might or might not have confirmed them in those opinions, instead of bringing forward the abstract principle negativing alienation, they thought it better to propose the rescinding of the resolution which involved that principle. But if they had any motives for postponing the consideration of that question, if they were satisfied with the condition of the Irish Church, if they preferred that the existing laws should remain as they were—if such were the motives which actuated them, then after the manifestation of their strength, should they not actuate them now? He declared, that they did adhere to the declaration, that they had heretofore made, that provided they were satisfied with the principle to which they were to give their consent, they were disposed to consider in what way they could come to an amicable settlement of the whole matter. The three questions to which he particularly referred were, 1st, the provisions which had been made in that House with respect to the Irish poor; 2d, the arrangement which would shortly come under consideration, with respect to the collection of tithes in Ireland, and the position of the Irish church; and 3d, the question to be submitted that night, *pro formâ* at least, to the committee relating to the Irish Municipal Corporations Bill. With respect to the Irish Poor-law Bill, he considered that bill only touched the other two questions on a single point, but it was a point of great importance. That point was, that by establishing the principle of rating, they would give an equal and satisfactory test of the qualification of the constituency. That, he considered, was the only respect in which the Irish Poor-law Bill could be fairly considered as connected with this question. He thought, the test of rating a most important and an indispensable provision. But still he could not see, supposing that Irish Poor-law Bill should fail, which he should exceedingly regret, that that would be a valid reason for postponing the other measures, particularly the Irish Corporation Bill. He did not consider the two measures so closely connected, as to afford any valid ground of objection to proceeding with the Corporation bill, because they might not have an Irish poor-law bill. But he did think it absolutely necessary to introduce some corresponding test, some controlling check, which should show what was the qualification of the constituency, and determine the real basis of the municipal franchise. He had voted for the Irish Poor-law Bill, not that he meant to say, that it was not easy to discover a great many faults in it, and that a great many objections might have been made against many of its details, but he felt that it was impossible to introduce into a country unaccustomed to poor-laws, a bill of the kind for the first time, without giving a large discretionary power. No doubt, that principle was open to very great objection; but deeming it necessary, in the first instance, he was disposed to overlook many fair objections which would have applied to that extraordinary power. It was not because he thought the bill perfect, but because he believed, that if poor-laws were to be established in Ireland at all, they must first establish some system which would be imperfect. No system would be entirely free from objections, and they must wait for the lessons of time and experience before they could discover all the imperfections of the measure, or know all the difficulties of the case, so as to be able to devise a complete remedy. After having heard the demand on all hands for a poor-law bill for Ireland, he certainly did think, that when it approached in the shape of a pecuniary imposition, some of them would alter their minds; as in the old fable, when repeated appeals were made to Death, and Death at last came, the applicant changed his mind, and wished to postpone his visit. He did not consider, as he said before, the Poor-law Bill as any necessary or special adjunct to any other measure, except as establishing a principle for testing the qualification of the voter—a principle which he considered most important to be applied to the constituency. With respect to the Irish Church, he entertained a very different opinion. He wished to see the tithe question settled in a satisfactory manner; and a satisfactory adjustment on that head was most important, as a preliminary matter. Even for the purposes of good local government, he should earnestly advise, that that topic of agitation be removed. It was essential that Parliament should make up its mind as to the principle on which the tithe question should be adjusted, and that for the sake of the peace and tranquillity of Ireland, as well as for the satisfactory working of municipal corporations, where they were to exist. He must insist upon the satisfactory adjustment of the tithe question, as necessary for the peace and safety of the country, On another principle, he must claim the performance of a compact, and a strict adherence to the provisions of the Roman Catholic Relief Act. He must say, and he felt fortified in stating it, that if civil privileges were to be perverted, as he trusted they would not be, for the shaking the principles of those compacts, then, anxious as he was for the identity of corporations in England and Ireland, and equality of civil privileges, he should feel justified in withholding the privileges to be so applied. He conceived, that it would be perfectly competent to them to adhere to the existing laws on Irish tithes, and the present foundation of the Irish Church. There was less agitation and dissatisfaction; the law was more regularly enforced, more tithes were recovered than before, and upon the whole, trusting to their own strength to negative the appropriation principle, in which strength he should feel the greatest confidence, they were willing to permit the Irish Church to remain as it was at present constituted. It would be perfectly open to them to take that course; but he did not mean to acknowledge, that the non-settlement of the Irish Church, and tithe, was a bar to the settlement of the question with respect to the Irish Municipal Corporation Bill. If they professed to be satisfied with the present state of the Irish Church, if they preferred the existing law to any law that could be introduced, if they objected to the settlement of the Irish tithe question, then they ought not to urge the non-settlement of the Irish tithe question as an insuperable obstacle to the settlement of the corporation question. Was it for the interest of Ireland, was it for the interest of the Irish Church, that the Irish tithe question should remain in its present state? He admitted, that this was a subject surrounded with difficulties, and so would any man find if he would try to suggest any elements for a settlement of a question of this kind. He believed, that the feeling in Ireland, in many parts of Ireland, was in favour of the existing law; he believed, that there were many persons there who greatly preferred the existing law to any change that was likely to be made. They stated, that a large proportion of the tithe was now collected; they said, that his noble Friend's bill was coming into gradual operation, and giving to the clergyman the whole of his tithe composition, in cases where the landlords had not undertaken the charge; and they deprecated an alteration in the law, because at present it appeared equal almost, if not wholly so, to their wishes. He was bound to say, looking at the permanent interests of the Irish Church, that he, for one, could not at all acquiesce in those views. He did believe it to be for the interests of the Irish Church, that this Irish tithe question should be adjusted on reasonable and satisfactory grounds. He admitted, that there was at present, perhaps, less of disturbance of the public peace than formerly; that there was in force a more effectual process for the recovery of tithe; that a larger amount of tithe was actually realized in many parts of Ireland; and that there was less agitation on this subject than at former periods. All these were arguments in favour of not touching the existing law. But in reply to those arguments, he must say, that he could not but feel, that the existing calm might be nothing but a delusion; that it partly depended on the state in which the question had been placed, that it partly depended on this; and here he must observe, that he wished to avoid everything which had in it in the least degree anything like an offensive character about it; but, at the same time, he must say, that there might be reasons for inculcating obedience and submission to the laws which might not always continue. Depend upon it, the agitation of the tithe question could not go on without the danger of creating irritation and encouraging the worst habits amongst the lower orders of the people. The payment of tithes could not be resisted without endangering the loss of rents—nay, the very salmon which the hon. Gentleman, the Member for Waterford, wished to protect, would not repose in safety in the Shannon. In short, the security of all property must be endangered, every description of property would be exposed to violation, when the laws were resisted by physical force. It must also be evident, that if the Opposition now refused to accede to any proposition for the settlement of the tithe question, they would recede from the ground they had formerly taken, and that if by relying on the temporary tranquillity, by relying on a calm which might have arisen from the very circumstance that those offers had been made, and that the question had been kept in suspense, they now receded, they would incur, on the part of the Church, the whole of the responsibility of whatever might occur if they broke away from the original course. What would be the consequence if they left the question still unsettled? In a considerable part of Ireland, for some years to come, the clergy must remain dependent on the occupying tenantry, they being chiefly Roman Catholics. If they broke away from the principles and hopes that were entertained at former periods, they might endanger the Church; because, if unfortunately violence should be resorted to, as had been frequently the case, and blood should be shed in enforcing the laws, the current might change, and the Church might be held responsible for the consequences, and circumstances might arise which would press on the settlement of the tithe question at a time when there would be less hope and prospect of a satisfactory adjustment of it than could be effected if they approached it while there was a temporary and comparative calm. He, for one, strongly advised the Church, looking to its comprehensive and permanent interests not to neglect the opportunity which might be offered for a satisfactory adjustment of this kind. He could not, consistently with his former course, have entered into the consideration of the Municipal Corporation Bill for Ireland, if the noble Lord had not led him to hope that in respect to the tithe question there was a prospect of a conciliatory settlement. Even now he must fairly state, that he should reserve himself entirely for the third reading of the Irish Corporation Bill, but he made no objection now to the progress of the bill. He waved his objection in the spirit of peace. He did think it would be an unworthy course to pursue, when these great questions were under consideration, if they really were mutually inclined to effect a satisfactory adjustment, if they were to spend their time in party struggles. He might have said, as in former years. "We insist that the Tithe Bill shall come on before the Corporation Bill," and a division might have been taken thereon; but the moment he heard the noble Lord say—"Before you give your final consent to the Irish Corporation Bill you shall have an opportunity of discussing with me the provisions of the Irish Tithe Bill, and I only receive your consent to the Irish Corporation Bill as far as you commit yourself to it, on the understanding that the other shall be satisfactory to you"—when he heard that, retaining of course his own opinion, he thought it would not be proper to enter into unbecoming conflicts. The noble Lord had stated, that it was his intention in Committee on the Irish Tithe Bill to make a general proposition, that the Irish tithe compositions should be converted into a rent-charge, to be paid by the first estate of inheritance, and therefore, in a considerable part, by Protestant landlords. He should consent to that resolution. He should say nothing of the amount of reduction—that was not a matter of principle,but of detail, and therefore he should reserve his observations on that topic. But to the proposition that the Irish tithe should be converted into a rent-charge he should give his consent, because he thought it of great advantage to the clergyman that when he collected his tithe he should come into contact with the landholders, who were mostly Protestants, rather than with the tenantry, who were generally Roman Catholics. He was not prepared to perpetuate the present system; he would not take that responsibility on himself; therefore, he gave his consent to the other proposition. He doubted whether the best position in which the Church of Ireland could be placed would not be to make the tithe a rent-charge payable by the first estate. He had heard without regret the abandonment of the resolution relating to the redemption of tithe, because it would occasion immense difficulty that must encumber and perhaps postpone the satisfactory settlement of the rent-change so long, that he was afraid they would be deprived of a great many of the advantages which they expected to derive from it. But, whatever objections there might be to the redemption clause, the noble Lord was not more responsible for it than other Governments who had brought it forward on former occasions. Of course, having redeemed the tithe, the next thing would be to determine in what manner the funds could be applied with the greatest profit and security. To convert the Irish Church into a large landholder, and make it receive its income by that means, was a plan which he thought open to very great objection. He doubted whether the effect of coming into the market with a very large sum of money to be expended on account of the Church would not be to increase the price of land and to diminish the facilities for obtaining it. Where was it to be purchased? If in the north, he apprehended a considerable bonus would be necessary. If in the south, what would be the consequence? The Irish Church would have a large number of Roman Catholic tenantry, probably with very small tenements, while the payment to the State would be by a Protestant property. The Church would have to recover her rent-charge from a Roman Catholic tenantry, and after paying the expenses of boards of commissioners, land surveyors, and allowing for losses in bad years, and after paying all outlays, there would be, after all, a very small profit. All the objections which applied to the management of property by large corporations would apply with much more force to the plan, because the landed property of the Church of Ireland would be of very recent origin, as compared with that of the English Church, and he was afraid, that from various causes peculiar to Ireland the experiment would not succeed. He did not, however, mean that observation at all to apply to the purchase of glebes, for the purpose of giving a small estate to the incumbent under his own view, and subject to his own management;. but his objection solely applied to investing large sums in estates to be managed by commissioners on the part of the Church. Well, then, if they did not invest the money in land, the next best security was the public funds; and though landed property might be supposed to be more secure than property in the funds, yet it was not so profitable. Supposing, for instance, that 100*l*. of tithe composition was sold for 1,600*l*., and then it remained to be determined what was the most profitable mode for applying the 1,600*l*.; he had no hesitation in saying, that the most profitable investment would be an investment in the funds. A lamented friend of his, well acquainted with the subject, once said to him, "Those who take their money from the funds for the purpose of buying landed property, after they have paid all the expenses of the conveyance, the alterations, the repairs, and the various other outlays, would find cause to regret, that they had not rested content with the beautiful simplicity of the Three per Cents." The most probable investment, he repeated, of 1,600*l*., received in lieu of 100*l*. of Irish tithe composition was an investment in the Three per Cents. Suppose such an investment to be made. The Three per Cents. were this day at the price of 94, and 100*l*. invested in the Three per. Cents. at that price would produce something less interest than 3*t*. 4*s*. per annum; he, however, would take it at 3*l*. 4*s*., and supposing the 1,000*l*. to be invested at 94*l*. in the Three per Cents., the produce would be 51*l*. 4*s*. per annum. Now, taking that 51*l*. 4*s*. from 100*l*. and then would be ascertained the reduction which would be made from the income of the Irish clergy of 48*l*. 16*s*. That would be their absolute loss, and therefore the effect of that part of the noble Lord's resolution relating to redemption —an effect for which he (Sir R. Peel) admitted the noble Lord was not more responsible than any other preceding Government—would be not a deduction from the Irish clergy of thirty per. cent, from the composition, but it would be on the termination of existing interests a deduction of 48*l*. 16*s*. from every 100*l*. of composition for tithes. On that account it was, that he (Sir R. Peel) had heard without the slightest regret the noble Lord's proposal to abandon that which would in practice have proved a most complicated scale of redemption. Thinking, however, that voluntary redemptions were of advantage, that in some cases absolute redemption might be desirable to be provided for, and that parochial conversions of rent-charge into land might be in numerous instances productive of beneficial results, he reserved himself on those points not now in the scheme for redemption, and should address himself simply to the real points of the proposal, with a view to realise the advantages held out. He should most cordially assent to the proposal made in a former year by his noble Friend near him (Lord Stanley), and now renewed, for the purpose of effectually curing any real defects or abuses in the Irish Church. Where there were livings in which the emoluments were totally disproportionate to the duties performed, he was willing to consent to a reduction of those emoluments. Where there were sinecures he would abolish them altogether. In parishes where there were nonresidents, he would provide for the resident clergy under such conditions and stipulations as might be effectual for that purpose. To plans of that kind he had always expressed himself ready to assent. He was now ready to assent, and it did appear to him, that no adjustment of the Irish Church question could be satisfactory that did not preclude and prevent the possibility of complaint on that head. But as the noble Lord very fairly proposed a settlement of these points, and though he retained the opinion he had always held on other points, he could not suppose, that there would be any difference of opinion in the House with reference to the reduction of incomes which were manifestly disproportioned, and for effecting regulations in respect to the residence of the clergy; at the same time, if there was to be a redistribution of Church property—by that he meant an alienation of Church property to secular purposes—he should still oppose that alienation, and contend, that if there was a surplus revenue arising from the property of the Church, it should be *bonâ fide* applied to the purposes of increasing the efficiency of that Church. He was quite aware of the position in which those on his side of the House stood with respect to the Church; they felt confident in their own strength upon the subject of the appropriation clause; they had a right to feel so, not on mere party strength, but upon the deliberate voice of the people of England, which, after full experiment, was against the appropriation clause. Let it not be supposed, that he concealed from himself the fact, that in his judgment the voice of England was also in favour of an identity of institutions both in England and in Ireland, at least as far as the circumstances of the two countries would permit, and it was on that account he was prepared to admit, that the *inclinatio temporum*, as the noble Lord had on a former occasion said, had partly decided some of these questions, and upon that decision he founded some of his hopes of their satisfactory settlement. But, however, let the House and the country observe what was now the state of the Irish Church. There was now in existence and operation a law under which tithes might be converted into rent-charge; that conversion had and was still rapidly proceeding, and he believed that during the last year not less than 50,000*l.* tithe-composition had become rent-charge. Now, the law under which the change had been made provided, that so long as the whole amount of the rent-charge should be paid, the undertaking landlord should be entitled to fifteen per cent. He trusted that, without a law requiring it, the clergy had generally been ready to allow that deduction; but, at all events, this point appeared to him to afford strong grounds for the landed proprietors of Ireland lending themselves, in concert with the Church, to an amicable adjustment of this question. But he repeated, that he and those who acted with him did not feel dependent on this position for an opposition to the appropriation clause—on that point they had strength enough to depend upon, backed, as they were, by the deliberate voice of the whole country. Still, he also must repeat, he trusted there was a possibility of an amicable and satisfactory adjustment of the tithe question; and before he proceeded to enter upon the proper subject for to-night's discussion, the Municipal Corporation Bill, he felt it absolutely necessary to state, that in the event of the attempt to effect a reduction of composition into rent-charge failing in its object, he should not feel himself bound beyond the present time to that proposition, but should consider himself, notwithstanding the offer now made, to be perfectly free and unfettered. If the implied condition was not fulfilled, if the proposition was of no effect, he claimed a right to be freed from the engagement into which he was now prepared and ready to enter. On the assumption, however, that an arrangement of the tithe question would be satisfactorily made, he should now proceed to consider the Irish Municipal Corporations Bill, and to state generally the course which it was his intention to pursue when that bill came regularly under the consideration of the House. With respect to that bill, he was willing at once to state his impression that there could be no hope of an effectual settlement of the question to which it had reference, if the bill did not recognise, as it did, the establishment of corporations in Ireland on the basis of popular election. To extinguish existing corporations in Ireland, and to vest the management of the corporate funds and revenues in the hands of Commissioners to be appointed by the Crown, was perfectly nugatory; and in the establishment of new corporations in Ireland, he, of course, implied that they would be municipal corporations on the basis of English corporate bodies—namely, elected by the free choice of a legal constituency, to be determined by the Act. This bill, which had been read a second time, provided for the establishment of corporations in three classes of town enumerated in three schedules, A, B, C. He proposed, in the first instance, to deal with the two first schedules A and B. Those schedules included eleven towns —namely, Belfast, Cork, Dublin, Galway, Kilkenny, Limerick, Waterford, Clonmel, Drogheda, Londonderry, and Sligo. He believed, that those eleven towns or cities contained a population of more than 15,000 on the average. He knew not whether the selection of those eleven towns had been governed by the amount of their population; but, strange to say, the number of their population was, as he had stated. However, with respect to those towns which contained a population of more than 15,000, he should assent to the establishment within them of corporate bodies, and, therefore, to the whole of the towns named in the two first schedules of the bill. There might be incidental questions arise, but he should not in the abstract oppose the legislative establishment of corporations in those large towns enumerated, as he had stated, in the two first schedules. Neither did he quarrel with the designations given by the bill to those corporations so to be established; but there still remained these questions—first, the extent to which corporations should be granted absolutely; that he had in part disposed of; next, the nature of the franchise of the constituency; thirdly, the boundaries and limits of the wards and jurisdictions of those corporate towns; and lastly, the title and designation of the corporate bodies, and the powers they should execute. Then, it was true, there were, besides, matters of detail—such as the principle of rating, and other questions, into which he apprehended it would not be necessary for him to enter then. With respect to the franchise of the constituent body, he should positively insist, that, whatever that franchise might be fixed upon to be, it should be a *bonâ fide* franchise. He would not consent to incur the necessity of appointing committees to inquire how far the provisions of the bill had been defeated by fictitious votes. Let any man look through the evidence taken before the Select Committee on fictitious votes, and then let him deny, that there ever was a more imperative duty imposed upon Parliament than that it should strictly define what the franchise really was intended to be. That committee had distinctly shown, that the present tests of qualification to the Parliamentary franchise were wholly unsatisfactory, and it had shown, that the House ought not to be content with any test which was dependent upon the valuation by the voter. The principle of the present test had been proved to have introduced a temptation to take false oaths, and he did expect the general concurrence of the great body of the House in the feeling, that whatever the franchise and its test might be under this bill, that franchise ought to be *bonâ fide.* The franchise ought to be known, as it was absolutely necessary for the interests of the population, for every interest which could affect the morals and prosperity of the people, to cut off all temptation and encouragement to fraud. He conceived that by far the most satisfactory test of the franchise was one which itself contained—a controlling check such as was provided under the Poor-law Bill for Ireland, which had received the sanction of this House. By that bill there was a valuation for the purposes of the poor-rates, and that afforded a check as to valuation in respect of the franchise, and if that by any chance failed, he should unquestionably feel it his duty to insist upon a check founded upon a corresponding principle. He did not wish to argue the case hypothetically, because he presumed, even if the Poor-law Bill, now elsewhere, might be altered as to the mode of relief, the right to relief, and other contingent considerations, still the bill would continue the same test of qualification, and that test he now proposed to take. He did not conceal from himself the existence of considerable apprehension that the amount of the franchise as fixed at 10*l.* was too light, and that a 20*l.* franchise had been suggested as necessary. That was an opinion, he believed, very generally entertained, but at the same time he was bound to say, that, considering that franchise, 20*l.* to be double in amount of the Parliamentary franchise—believing that thus to raise the franchise for corporate purposes in these towns would be much less satisfactory than the adoption of an uniform practice, he was not disposed to increase upon the Parliamentary franchise, he, therefore, was ready to take the 10*l.* franchise, but always with the condition that it must be a *bonâ fide* franchise. He should wish the 10*l.* franchise to be universal throughout the country, and he had a most disinterested authority in favour of the application of that uniform practice; for he found that the Commissioners of inquiry into the state of the municipal corporations, commissioners appointed by the present Government, and giving an opinion not with a view to the present question but certainly upon a matter analogous to it, but without party feeling being intermixed, had recommended uniformity of franchise in all the burghs in Scotland. The commissioners say:—

"The same qualifications required in the election of representatives in Parliament are adopted and applied to the election of the councils of burghs—namely, that they shall either occupy, as proprietors or tenants, houses or tenements within the burghal limits of the value of 10*l.*, or shall be the true owners of such premises, though not occupying or residing therein. (They must reside within seven miles of the burgh.) In the course of our inquiries we have found, that among the inhabitants of different classes of burghs there prevails a considerable diversity of opinion as to the justice and expediency of maintaining this uniform qualification. In towns of the first class, containing an extensive and opulent population, it appears to be generally thought that the standard is by no means too high, and that although it may perhaps exclude many respectable persons, yet that it secures an effectual representation of the whole community, and that this main object would not be promoted by any change. In some other towns of a lower class it seems to be thought that the relative value and rent of real property are considerably lower than in the former, and that the apparent uniformity of the elective franchise becomes thus productive of a real inequality in the rank and condition of the electors, which could only be corrected by the adoption in such cases of a reduced scale of value. And again, in the smaller burghs, of very inconsiderable population or wealth, the still greater extent of this inequality is thought to be aggravated by the difficulty of finding a sufficient number of qualified electors to form a respectable constituency, and that therefore, in this class of burghs another and still lower scale would be required. In these views there is no doubt a good deal of plausibility and a certain degree of truth. But that the evil has not operated to the extent that seems to be imagined appears to be proved by the unquestionable fact, that the relative proportion of qualified electors to that of the whole population is not greater in the large than in the smaller burghs, to an amount that seems to indicate the existence of any gross inequality of the kind now alluded to. If, therefore, upon any other grounds the present franchise should be deemed objectionable, then he should not be disposed to recommend the adoption of a diversity of rates in different burghs. Indeed it appears to us that the introduction of any diversity of this kind, which, in order to be perfect in theory, must be also variable and fluctuating, would prove more arbitrary and inconvenient in its operation, and more remote from any real equality than has been attained under the present arrangements. We are further of opinion that, in the event of any general alteration of the present franchise, it must be made on the same basis of property and occupancy on which the present system has been founded, there being no other criterion now existing in this part of the United Kingdom, such as the English poor laws, to which recourse could be readily had."

The commissioners, therefore, of inquiry into municipal corporations in Scotland entertained an opinion strongly in favour of an equality and uniformity in the franchise. He was aware that there had been in some degree a departure from that principle in a bill which had not been yet carried, but which had nevertheless been brought forward by her Majesty's Government. But even in that bill it was provided that there should be a 10*l.* franchise in all boroughs in which the number of 10*l.* electors exceeded 100. He had a list before him of the towns in which the number of 10*l.* electors exceeded that number; and he found, that in Lanark the number of 10*l.* electors was 156, and in Peterhead 173. As far then as he could collect the principle of the bill, it was this—to give a 10*l.* franchise where the number of 10*l.* electors overstepped 100. Now he must say, that where the number of 10*l.* electors fell short of 100, he very much doubted the necessity of incurring the expense of establishing and maintaining municipal institutions. Even the case of Scotland, therefore, might be cited in favour of an uniformity in the franchise. He proposed, then, that there should be a 10*l.* franchise in Ireland; and in making that proposition, of course he meant that there should be a real rateable qualification. He meant to propose as a qualification for the elector, that he should be rated to the relief of the poor either for a house or for a house and land within the limits of the borough, and that there should have been an occupation for a year, and residence for six months, and also that he should have paid all taxes, and cesses to which he might have been rated, within three months of the period at which he claimed to be considered a voter. That was his proposition, and he should insist upon the receipt of alms being a disqualification. Thus much for the qualification which he proposed; now for the subject of boundaries. He had reason to think that all obstacles on that head would be removed. There was a report issued by the Boundary Commissioners so late as 1836, with reference to the boundaries of municipal corporations. He had looked at their instructions, and also into their report, and he must say, that the instructions appeared to him to be good, and the division of boundaries seemed to have been fairly made, and he should not object, speaking generally, to adopt their boundaries. He could say, that he had no objection whatever to a division into wards, as he thought it but fair; but in speaking on this question of boundaries he only spoke on general principles, and did not adopt every detail. With respect to the title and constitution of the corporate body, he did not quarrel with the titles of councillor and alderman as given by the bill, and he did not think that there was any matter of serious objection contained in this part of the bill. He now came to the consideration of the powers to be conferred upon the corporate body. Of course, he meant to propose, that all the powers usually exercised by a corporate body should be devolved on the corporate bodies to be established by this bill. He proposed, however, this restriction, that provision should be made that the corporate property, where there was corporate property, should be applied to public purposes connected with the benefit of the town. With respect to one description of corporate property, namely, tolls, of course, where those tolls were a security for a corporate debt, it would be necessary to continue the tolls for the purpose of continuing a guarantee for the debt. His first impression had been, that it would be prudent to abandon tolls altogether, and, considering that they formed a fruitful source of discord and ill-feeling, he could have wished that the bill had contained some provision for their final extinction. But, at the same time, knowing that there were individual rights to be respected, he felt that they must deal with caution in this matter. If the Government could make any arrangement providing altogether for the extinction of tolls in Ireland, he would give his consent to it, but he would not now undertake to pronounce any positive opinion on the subject, and he could only say, that in his judgment any plan which could be devised for the complete extinction of tolls would contribute much towards effecting the peace of the country, as well as towards promoting internal communication, and increasing the facilities of commerce. Now, with respect to the other powers to be exercised by the corporate body, there was to be considered the power of carrying into effect local improvements. This was undoubtedly one of the great difficulties on this part of the subject. He conceived that a control over local improvements was one of the powers which a municipal body ought to possess, but there were certainly other difficulties in the way. He thought, however, that if they established corporations, they ought to give them something to do, lest, in the absence of municipal business, the corporation might occupy itself with political matters. He thought that they ought to take every precaution to prevent the perversion of popular privileges, and that the primary object of the municipal body ought to be the good local government of the town. As far, therefore, as he could, he would give them control over municipal objects, and among them, over the lighting and cleansing of the town, and he thought it ought to be made an indispensable condition in the bill that those powers should be iutrnsted to the corporate body. There might be difficulties in the way where there were commissioners appointed under a local act, but where those powers were exercised under the existing Act of the 9th George 4th, and there was no local Act, those powers ought to be intrusted to the municipal body constituted under the proposed new Act. Of course, he should propose to give to the corporate body the power of levying a borough-rate, but he could only consent to that rate being levied on the principles on which it was levied in England and Scotland—namely, that there should be an equal rate on all descriptions of property, and upon this he should insist. With respect to the control over the police by the corporate body, the bill made this regulation—the Government having placed the ordinary constabulary force in the town, if found insufficient, it was in that case to be competent to the corporation to apply to the Government to increase that force, the expense of the increase being half defrayed out of the borough fund. He did not object to that principle, so far as the employment of the constabulary went, but he must insist, that the whole control over the force, should be vested in the Government. There was no difference in a police acting by day, and a police acting by night.

This principle had been found absolutely necessary in Westminster, and was about to be tried in London. It had also been successfully applied in Dublin. He had been obliged to act on that principle in Westminster, and the noble Lord opposite felt the necessity of applying the principle so forcibly, that he was going to try the experiment in the city of London. That same rule, then, which had been found good in Westminster and Dublin, he asked the noble Lord to apply to the small corporations of Ireland, and place the management of the constabulary force by night as well as by day under the control of the Government. With respect to the administration of justice, he had always contended, and still did contend, that it required every guarantee. With respect to the appointment of sheriffs, the bill provided that the corporate body should select three persons for the approbation of the Lord-Lieutenant, and if he were dissatisfied with those, then that the corporation should select three more; but the bill then provided, that if the Lord-Lieutenant were still dissatisfied with the selections made, he should have the absolute nomination. Now, here again was a divided responsibility. He apprehended, that the Government had found it convenient in some cases to exercise the power of an absolute nomination, even where three names had been selected by the judges. If the Government had the appointment of sheriffs, uncontrolled by corporate nomination, it would tend to check local prejudices. He must say, that he had a perfect right to ask the noble Lord to apply the principle acted on by the Government in the case of sheriffs nominated by the judges. He (Sir R. Peel) did not indeed concur with the Government in the policy by which they had been guided in that respect, and he thought that if great care were not taken, the nomination of sheriff would become a party appointment. He had felt that evil when he was himself chief Secretary for Ireland, on account of the constant applications which were made to him to appoint nominee sheriffs, and he had thought it most expedient to assimilate the practice in Ireland to that which prevailed in England, and he must say that he considered a departure from that practice would again open the door to the danger of partisan sheriffs; but, however, if the Government thought proper to act upon this principle in one case, they ought to apply it in another. There were only one or two other points to which he wished to advert, and one of them was the necessity of providing for an effectual and uniform system of auditing accounts. There certainly never was a country on the face of the earth in which a regular and uniform system of auditing the public accounts was more wanted than in Ireland, and he said so without meaning any disrespect to that country. With respect also to charity trustees, it would be necessary to make some provision on that head, and what he should propose was this—that time should be taken for the consideration of measures for the due administration of charity trusts, and that, in the mean time, the charity trustees should continue to administer the charity trusts till Parliament should make some comprehensive provision on the subject. He should propose, that the Lord Chancellor should fill up the vacancies which might occur in the mean time, as he did not think, that it would be wise to throw the appointment of all the trustees at once upon the Lord Chancellor. There could, however, be no reason why the House should not apply itself to the consideration of this subject in the course of next session. He would add that where there were any charity trusts left for purposes exclusively connected with the establishment, it was proper that the charity trustees should be members of the Established Church. He was also of opinion that there might be a great advantage gained by making a separate legislative provision for the City of Dublin, but, at the same time, if there was a prospect of a general settlement of the question he should be very sorry to interpose any obstacle of this kind in the way of a satisfactory adjustment. He had no objection that the same principle should be applied to Dublin which was to be applied to other large towns, but the position of Dublin was exceedingly complicated. There was a vast variety of local boards, local taxation was extremely heavy, and he must say, that the municipal body would be left with hardly any municipal functions to perform. With regard to Dublin, it deserved consideration whether it would not be a satisfactory arrangement to deprive the corporation of all share in the administration of justice. So much with respect to the establishment of corporations in the principal towns of Ireland, or those which were enumerated in schedules A and B of the Bill. With regard to the remaining towns, he did feel, that means might be adopted which ought to be satisfactory to the country, and prevent the feelings of the inhabitants from being wounded by the appearance of withholding from that country institutions which we had already conceded to England and to Scotland. He could only hope, that his proposition would be received with a spirit corresponding to that which he entertained on the subject. Nothing could be further from his intention than to offer any opinion calculated to outrage the natural feelings of Irishmen, and he should deeply regret that they should look upon the mere fact of their withholding corporations from the smaller towns as a just ground of complaint. He would not at all oppose the concession of corporations to the towns included in schedule C, if he could perceive that they were calculated to be of the least advantage to the community. While, however, he did not propose to include those towns in the list of those to which corporations were to be necessarily conceded, he would, at the same time, extend to them the principle that the corporate property connected with those towns should be managed for purposes of local benefit, and submitted to the control of local authorities, to be selected by the people themselves. In this matter he proposed to adhere to the 10*l.* franchise. While, however, he did not propose in the first instance to establish corporations in those towns, if a majority of the inhabitants should apply for a charter, he proposed that the Lord-lieutenant should be empowered to grant it. The question of limiting the qualification to the 10*l.* householders might be matter of future consideration. In cases of this description the wishes of the people should be fairly consulted, and their opinions should be duly represented, before the establishment of a corporation should be decided on. Under all suppositions he should leave to the people the option of deciding whether or not a corporate body should be established. In these towns, therefore, he proposed to manage the corporate funds, by placing them under the control of Commissioners. If the constituent body wished for a corporation, they might have it by application to the Lord-lieutenant; but if not the 10*l.* householders should elect a limited number of commissioners, to whom the corporate property should be instr sted, for application to public purposes. He was not aware of any point upon which he had omitted a sufficient explanation with reference to the general principle of the bill. [Lord *John Russell.* The Mayors.] The noble Lord must permit him to reserve to himself the right to make such propositions as he might hereafter please in the shape of amendments. He had, however, endeavoured to state as fully as possible the course which he should take in the future stages of this and the other bills. If there were other towns in Ireland of sufficient importance that desired corporations, he did not mean to say, that he would not grant them; on the contrary, he saw no objection to allow their establishment. He would not detain the House longer, having, he was aware, in a very imperfect manner, but still he hoped in the spirit of conciliation, stated his views on this question. His anxious aim, was to see these long-disputed questions brought to a satisfactory adjustment, and that one of these causes of difference between England and Ireland should be removed. He was aware that the course which he had that night pursued would render him open to misrepresentation. He might be told, on the one hand, that he had conciliated too much, and on the other, that what he proposed to yield was no conciliation at all. He, however, could safely declare, that he did not propose to conciliate from any unworthy motive, but, in consequence of the state of parties and of the public mind, that it was the course best calculated to promote the benefit of all classes in Ireland. He believed, that parties were so balanced at present that they could each continue to maintain their present positions with respect to these questions regarding Ireland; and while that (the Opposition) side would be able to continue to resist the settlement of the tithe question, the other (the Ministerial) side would prevent the settlement of the corporation question otherwise than by some such plan as was proposed in the bill on the table. Should they then continue to come down to that House with their pockets full of scraps of each other's speeches on these subjects made on former occasions? Was it not better that they should severally remove from the ground which they could not continue to occupy with advantage to the country? He believed that, for the peace of Ireland, it was better to pursue the course which he proposed. All that they required was, that the Established Church should be maintained in their privileges, which had been sanctioned by the Act of Union, and had been confirmed by the Act which removed the religious disabilities from the Catholics. They had declared, that they ought not to continue the corporations as Protestant corporations. Indeed it would, in his opinion, be impossible, that they could be practically useful after they had themselves manifested a desire to put an end to them. Under such circumstances he thought that it would be impossible to continue them as instruments of good. Some arrangement, he thought, ought ultimately to be made as to the application and control of corporation property. He had felt it incumbent upon him to state fairly the terms upon which he should attempt to make a settlement of these questions if he were intrusted with that responsibility which now rested upon Ministers. He was also confident that though there might be dissatisfaction expressed upon the one hand, possibly, as to the extent of the concession he was willing to make, so dissatisfaction might be felt and expressed upon the other as to the niggardly nature of those concessions; yet upon the whole he placed his confidence in the people of this country, in men of moderate views and of sound judgments, who were the impartial arbitrators between the disputing parties upon both sides, for he believed that there was a vast body of men who desired the adjustment of those questions—that there was a body who represented the moderation, the reason, and the good sense of this country—of the three countries, and who desired to see the adjustment of these questions, and who were prepared to approve of any attempt, by whomsoever it was made, to adjust those questions upon satisfactory principles. They, he was sure, would approve of the attempt upon the one hand to recognise the principles that in countries united together by the strong bond of the Act of Union, that there ought to be, unless there were valid objections against it, an identity of political institutions, so far as the management of their local interest was concerned, and that they would approve of any attempt to recognize an equality of civil rights and political privileges between the professors of different creeds; and so they would also, on the other hand, approve of an attempt to settle the tithe question on principles which should recognize the integrity of the established Church, and which should resist to the uttermost the alienation of any part of its property to secular purposes. They, while willing to admit of any such changes as would tend to remove impediments to the efficiency of the establishment, would, above all, insist upon the observance of that which had been stipulated for in acts which had been already referred to by him, namely, the Act of Union, and the Act for removing Roman Catholic Disabilities; as by the one it had been declared, that the establishment of the Protestant faith, was an essential article of the union, and that the Church of Ireland was inseparably connected, both in faith and in fortune, with the Church of England; while they held it, on the other, that the removal of Roman Catholic disabilities did imply a solemn engagement, that the removal of restraints to civil equality and the exercise of civil privileges by Roman Catholics, were perfectly consistent with the maintenance of the Protestant establishment, with the integrity of its possessions, and the security of its legal rights and privileges.

Lord *John Russell* said, that before he made any observations upon the details which the right hon. Gentleman had put before the House, he must congratulate the House upon the spirit and manner in which the right hon. Gentleman had fulfilled that pledge which the other night he had given to the House, that nothing would fall from him on the present occasion which should be likely to obstruct the proposal for an adjustment of those questions. Nothing had fallen from the right hon. Gentleman calculated to have that effect, and though he might differ from the right hon. Gentleman in matters of opinion, yet they were not marked with such differences as to principles as could forbid them to hope, that there might be an adjustment determined on that could be carried into effect in the present Session. He felt, as the right hon. Gentleman felt—perhaps he had more right to feel—that he was more subject to reproach than the right hon. Gentleman, that they had receded from ground which they had formerly occupied. He had already stated to the House, that he considered, that the prolongation of these questions, and that their discussion from year to year, without any prospect of a settlement, must be injurious to the interests of the two countries. The injury was in fact very great—it extended far beyond those who were concerned in these debates; for as far as they themselves were concerned, they might go away from that place, after a spirited and animated discussion, contented each that he had supported that view of the question which he believed to be most conducive to the interests of the empire. But the failure of the settlement of the questions, affected, most deeply affected, the interests of those in Ireland who might, as with regard to the tithe question, feel themselves bound to offer on the one side resistance to the legal enforcement of tithes, while they thought upon the other side, that they were reduced to poverty, and that there had been abandonment of their interests and of their just rights. Thus great injury might continue to be done by the question being left unsettled. And then, with regard to corporations, while the question respecting them was undetermined, great odium and obloquy was incurred, and the perpetuation of the evil was likely to lead to conflicts in which the happiness of society might be destroyed. Such were the consequences that might follow from keeping questions in suspense by the divisions of parties in that House. For these reasons, then, and mainly that seeing, as the right hon. Gentleman had said, that though those on the Ministerial benches might retain the appropriation principle, they should not be likely to obtain a law affirming that principle; and though the opposite party might contend for the abolition of corporations, yet it was not probable that that abolition could be carried into effect by the vote of that House. Leaving, then, the hopeless nature of the contest in which they were engaged, and being most anxious, that the evils which followed from it should cease, he came prepared to this discussion with the deeply-rooted conviction on his mind, that they ought to use all their powers to have an amicable adjustment of those questions. He had already stated, that the continuance of these contentions were likely to be injurious to the constitution itself; because he could not think, that, looking to the proceedings of the two branches of the Legislature, and seeing, that they were unable for so many years to agree upon the principles for ruling a vital portion of the empire, was likely to be conducive to the maintenance of the opinion, that the legislative powers could be beneficially exercised by them. There could be no doubt, that, receding from the ground they had occupied, they might be reproached for a concession or an abandonment of principle. He did not think, he did not feel, that they were justly liable to that reproach; because he was satisfied he did not sacrifice the interests of his country for the sake of party, or for the sake of those connected with him. But feeling, on the contrary, that the interests of his country required it, he attempted the settlement of these questions — he had advocated the settlement of them in a manner which he believed to be true and just — and as to the adjustment of them, he was ready to consent to it, because he thought, that the interests of the country required, that that consent should be given, and that the attempt at adjustment should be made. With respect to the first question referred to by the right hon. Gentleman, namely, that the tithe resolutions which the Government had proposed, and the attempt to rescind the resolution of 1835, he should not then at all touch upon the reasons which had been given by the right hon. Baronet for taking the course which had then been pursued. With respect to the course which the Government had pursued, he did confess, that it did appear to him, that if he did not make the proposition which he had made in former years, it was that, though we might have carried it by a small majority, yet there was no prospect of its settlement in the present Session, nor, he might add, in a future Session. If, then, they did not make that proposition, they felt bound, looking to the affairs of the country and of the Church of Ireland, to make such a proposal as was likely to give security and satisfaction, they thought these resolutions were likely to produce conciliation; and while they removed, on the one hand, liabilities from those who are obliged to pay, yet they gave, on the other hand, security to the Church subject to a deduction. In former debates he observed, that great misunderstanding prevailed in some who had spoken with regard to the sixth proposition. He did not think, after the speech of the right hon. Gentleman, the Member for the University of Dublin, on a former night, and the speech which the right hon. Gentleman had made that night—he did not think it would be wise to propose a redemption of tithes. The right hon. Gentleman had laboured to show, that there ought not to be an investment on land. Now, the original proposition for such investment had come from the right hon. Gentleman the Member for the University of Cambridge, in 1823. It had also been proposed by Lord Hatherton in the bill of 1834, and it had formed part of the bill of Sir H. Hardinge in 1835. The principle then, had been laid down; but when it was stated by them, who had the opinions of those most deeply interested in the matter, and who declared, that they did not consider such a plan advisable, then it was his opinion, that it would not be desirable to proceed with any plan for the redemption or investment. He considered the question difficult and complicated, and believed, that at present it would be best not to meddle with it. It had been stated by the right hon. Gentleman, that the present calm prevailing in Ireland upon the subject of tithes might be delusive, and that they could not calculate upon things remaining as they were. He entirely agreed in that proposition with the right hon. Gentleman and he thought, also, that some of them who had agitated upon the subject of tithes might have felt disinclined longer to oppose the law, because they wished to express their confidence in those who administered the law. The right hon. Gentleman has touched upon the distribution of Church property, and the abolition of what he called "sinecures in the church." He was not prepared to give at that moment a definite opinion upon that subject; but he believed, that very considerable difficulty would be felt in coming to an agreement upon clauses affecting that subject. In clauses which had been proposed by the noble Lord opposite, although it did not appear at first, that any great difficulties could be discovered, yet they found upon discussion, that it was not possible to come to a settlement. He wished likewise to throw out to the right hon. Gentleman, as well as the noble Lord near him, whether, for the sake of the permanency of the Church in Ireland, if there was not to be an investment in the funds, or in land, whether the rent-charges collected in the South of Ireland, should not be transferred to the North. With respect to the amount of the deduction, it was not necessary for him to enter into that subject at present. Coming then to the bill which was immediately before the House—the Municipal Corporations Bill—the right hon Gentleman had first laid it down as to the franchise that it should be founded on, or rather tested by, the poor-rate. He did not think, that as a principle any objection could be made to such a proposal. If they took a certain proposed value as the proposed qualification of municipal burgesses, then they were also to take care, that it was an ascertained real value, and not an assumed value for the occasion. He hoped, certainly, that a poor-law for Ireland would be one of the measures passed in the present Session; if it were not, then he was pretty sure, that it must be one of those measures which Parliament would very soon give its assent to. He did not believe, that the amount of destitution which existed in Ireland could be permitted to continue without some legislative measure assigning property for its relief, and he said for the relief of the destitute, because if there were to be merely hospitals for the sick, the blind, and the lame, it would not be a poor-law, but a bill for the establishing of hospitals in Ireland. Whether it might be the case, that a poor-law would be passed this Session he did not know; but this he felt, that a law providing for destitution in Ireland was one which Parliament, looking to the interest and internal tranquillity of Ireland must soon pass. With respect to the amount of the value of the franchise which the right hon. Gentleman had proposed to establish in corporations, he wished not to make any definite declaration at that moment. He confessed he was not prepared then to express an opinion upon it. They were now speaking of a question in which there was no difference as to principle; for they were not then discussing whether corporations should exist or not exist at all, but, supposing corporations to exist, what could be the best constituency to represent the interests of the towns as to their local concerns. The test was only the subject for their discussion, as to whether a higher or a lower amount of value should be taken, and regarded as the best suited to represent the opinions, the feelings, and interests of the towns in which corporations were established. He did not then propose to enter into the question as to the exact number of towns to which the corporation franchise ought to be extended. He did not expect, that in the Committee this part could be arranged without very considerable difference of opinion. Then, with regard to the principle whether there should be a certain number of towns in which municipal corporations should be enforced by the bill, and other towns in which the power of acting for corporations should be extended by petition, was a principle he was not then prepared to discuss. He agreed in thinking, that a certain number of towns so situated would be, perhaps, less than were to be found in the schedules of the bill. With regard to the rest it would be left to further consideration. He would say, with respect to the franchise, that after the quotation which the right hon. Gentleman had read, in regard to the municipal corporations of Scotland, and as to the proper amount of the value of the franchise, it was to be observed, that in that country there was no regular poor-rate, as in England; therefore the quotation of the right hon. Gentleman was not as applicable as he seemed to suppose. As to the boundaries of those towns, not only had a report been made by the special commissioners, but a bill had been prepared laying down the exact boundaries of the towns by the authority of Parliament. He did not feel it necessary to enter into the discussion of the question as to constables and sheriffs. He was very glad to hear from the right hon. Gentleman, that he had no objection to another point; it was, that the mayors of towns should be made justices of the peace. The commission of justice of the peace was usually attached to that of mayor, and depriving mayors in Ireland of that commission would be a very invidious distinction. There was, he must remark, in several of the proposals of the right hon. Gentleman considerable similarity between them and the second proposal made by the existing Government when their first bill on this subject had been rejected by the House of Lords in 1836. It would be remembered, that when their bill was sent back to them by the House of Lords in 1836, instead of insisting on all their original propositions, they submitted, that to a certain number of towns, a corporation franchise should be extended, and that to other towns, the provisions of the 9th Geo. 4th, should be applied, and also with regard to other towns, the corporation constitutions should cease to exist. That was the proposal which was then made to the House of Lords. He mentioned it now only for the sake of showing with regard to the principles contained in the right hon. Gentleman's proposal, that, if they failed in their attempt at adjustment, it could not be from a want of similarity in some of their propositions. The right hon. Gentleman had offered suggestions with regard to the question of tolls. He should not then enter into the question, which the right hon. Gentleman had stated so ably, and on which he had given them so many details. He had no objection to the proposition of the right hon. Gentleman, except this, that he thought it would be exceedingly difficult to carry it into effect, at the same time he thought that the principle which the right hon. Gentleman had laid down, was a sound and just one. With respect, then, to the whole of his proposals, he certainly was quite ready to enter into a discussion of them. He should enter into it with a wish, not only as the right hon. Gentleman said, to discuss each particular clause, but with a great desire, where it could be done, even to yield his own opinions with respect to particular clauses, rather than incur the risk of frequent divisions, where, without any good being effected, difficulties and impediments might be thrown in the way. As he stated at the commencement, if they were enabled in the present session to carry through a bill by which corporations founded on popular principles, might be given to Ireland, and if they could pass a tithe-bill, the effect of which would be to prevent frequent collisions, and thus, in the opinion of the most steadfast friends of the Church, give greater security to that Church, and if they could likewise have a provision, affording some relief, at least, to the misery and destitution that existed in Ireland, then he did think, that great good would be done, though he must confess, and he did confess, that he had pressed upon Lord Grey frequently, that any settlement of the Irish Church must be totally unsatisfactory unless a portion of the revenues of that Church were devoted to general education; and when he was assured by Lord Grey, that, though not differing from him in principle, it was not his opinion that it could be carried into effect, seeing what were the opinions that prevailed in this country, he was obliged to confess, that in stating his opinion to Lord Grey, and Lord Grey being perfectly right as to the result, that though he might incur the reproach of many who might say, that he had receded from a principle which he believed to be favourable to the general good of the country, yet still, if this great measure could be passed, whatever reproach he might undergo, it would be a great satisfaction to him to think, that he had, in establishing for Ireland a measure, not only of great practical benefit, but also one extending privileges to that country, thus proved that the Legislature of the United Kingdom was disposed to consider the Irish questions, with a view to such adjustment of them as would conduce to the benefit of the Irish people;

Mr. *O'Connell* felt great pleasure from the tone and temper of the right hon. Gentleman. If words were things, and conciliatory language and gentle speeches acts, it would be impossible for them to desire more than what they had heard that night. If it were a mere delusion that great advantages were intended for his country, it was one so pleasing and so unusual in its nature, that he should wish to indulge in it, even if it were but for a few moments; but he was bound to say, that some things had fallen from the right hon. Gentleman which he deeply regretted to hear. Indeed the general scheme of delusion he witnessed reminded him of the discussions in which the parties were the Government upon the one hand, and the planters on the other, and in which the unfortunate negroes were left completely out of the question. Thus it appeared to him that the feelings of the people of Ireland, their wishes, and their demands for right being done to them, were overlooked, or, if consulted, not with a view of satisfying them. It seemed to him, that what he had heard was rather intended to reconcile parties in this country than to pacify Ireland. What had the poor-law to do with the question of tithes, or with corporations? The right hon. Baronet had told them of his intention of using the poor-rate as an instrument for ascertaining the franchise; and he had said, that some might prefer the non-payment of the rate to the enjoyment of the franchise. These words alarmed him. What was to be the test of the corporation franchise? The poor-law. Were they to wait for a poor-law to enjoy freedom? They could have no poor-law until they had workhouses. They could not build workhouses by magic: they had not an Aladdin's lamp, and could not create them in a night. They must go through the tedious process of using lime and brick and mortar. Until they had workhouses, they could not have a poor-rate. Did they want an ingredient to enchance the amount of the franchise? He knew that the noble Lord was prepared to enhance the franchise. He knew that the noble Lord had restricted the franchise in Ireland. Tithes had been connected by the right hon. Baronet with the municipal franchise; but no two subjects could be more distinct from each other. They might say, that they would make a satisfactory arrangement by calling tithes a rent-charge, and placing the burden on the landlords, which the landlords would afterwards place upon the tenants; but the people of Ireland could not thus be deluded. The essential difficulty in this question had been overlooked, or it had been placed by the right hon. Gentleman in the background. There were in Ireland 7,200,000 persons who did not belong to the Established Church, and in a nation of 8,000,000 they talked of coming to a satisfactory arrangement for an establishment of 800,000. The right hon. Gentleman made use of the Act of Union as an argument for the continuance of tithes, but did he not know how that act was passed? That it had been imposed by the hand of power upon the people as if they had been slaves? When, therefore, the right hon. Gentleman said, that by the Act of Union the establishment had been sanctioned, he asserted nothing satisfactory or conclusive. The next subject he would allude to was the Roman Catholic Relief Act. He admitted, that it was implied by that act that the Protestant religion should be secured from the encroachments of the Roman Catholic religion. Its discipline and its doctrines were all free from his impeachment; but when they came to considerations of pounds, shillings, and pence, to the payment of money, he denied that they had granted anything which either expressed or implied that they had not as good a right to interfere as the right hon. Gentleman himself. He utterly denied, that there was any contract by which the Catholics were bound to non-interference with respect to the Church temporalities. It had been imputed to him that he had raised the tithe agitation; but agitation in reference to tithes existed long before he was born. The right hon. Gentleman had said, that the public mind of Ireland was in a state of calm with regard to tithes. If it were, the calm was a factitious one; he assured the right hon. Gentleman it was by no means so complete as he appeared to suppose. Within the last ten days—seven or eight public meetings had been held in Ireland, each attended by from 80,000 to 150,000 persons, who assembled for the purpose of protesting against tithes, and expressing their determination never to pay them. Three persons out of every hundred had been selected to watch the proceedings for the recovery of tithes; so that a species of discipline had been adopted, which would, doubtless, turn out to be of a very formidable character, but the necessity for which he ardently hoped would cease to exist. The House was aware that heavy arrears were due, and he would say let such an arrangement be made as would extinguish those arrears. If they wished a satisfactory settlement of the question let them extinguish the arrears, even though to enable them to do so they must resort to the vulgar expedient of putting their hands into the public treasury. The attempts made for the settlement of tithes ought to be of as conciliatory a nature as possible, the people of Ireland having arrived at the conviction that to a Church to which they did not belong they were not bound to contribute. When they talked of giving equal municipal corporate rights to Ireland with those enjoyed by England and Scotland, he would beg of them to recollect that the Irish people well knew that the people of Scotland did not contribute to the support of a Church to which they did not belong, that the people of England did not contribute to the support of a Church to which they did not belong, but that the people of Ireland were compelled to do so. Let them legislate, therefore, not in the spirit of a dominant Church, nor in a spirit of exultation that the faith which they believed to be orthodox had jurisdiction over those who differed from it; let them not legislate in that spirit, but rather on the principles on which the municipal corporation question had been already settled in England and Scotland. With regard to the regulations proposed, he had a strong objection to their attaching to the qualification for the franchise the payment of the poor-rate. The poor-rate was never levied according to the value of property, but only upon the half or the third of the value. He trusted that no difficulty would now arise in this respect, but could not help fearing that they would so proceed as to "keep the word of promise to the ear and break it to the hope." He was exceedingly glad that the right hon. Baronet who was the representative of a great party, no longer alleged that the people of Ireland were unfit to be intrusted with corporate institutions. He did not accuse the right hon. Baronet himself of having ever used words to that effect, but his acts were an indication of his having entertained that opinion. He rejoiced, however, that Ireland was no longer to be insulted by being legislated for in that spirit, and that the period of conciliation having at length arrived, their rights were conceded in courteous and friendly terms. Let them only take care, that, in the subsequent proceedings, all this exhibition of concession was not discovered to be a mere deception—a splendid humbug—a well-painted delusion. This evening, however, he trusted had commenced the conciliation which had been so long promised. He, perhaps, had met it with more suspicion than the event would justify, and he should, indeed, be glad if it turned out that his apprehensions were groundless; but those who had suffered by years of false promises—and they were aware that his country had suffered by false promises for centuries, by excited hopes which turned out to be mere delusions—people who had been thus deceived and disappointed might be excused if they were neither very sanguine nor credulous. All they asked for were equal advantages with this country: they desired no more. What had been suggested with reference to the tithe question might possibly meet the existing difficulties; he could not, however, promise, though he hoped, that tranquillity would follow. In conclusion, he implored them, with reference to both the tithe and the municipal corporation questions, to act generously towards the people of Ireland, and he was convinced, that if they did so the Irish people would not fail to meet them with equal generosity.

Mr. *Shaw* was glad to observe the tone of the present discussion. With reference to the tithe question, he begged to say, that the clergy and his own constituents considered it already settled by the act of the noble Lord (Stanley). He was of opinion, that the landlords of Ireland were entitled to some deductions of the tithe. The settlement of the question fairly between the land-owners and the Church was one of great delicacy and importance; but he, nevertheless, thought that a settlement might be effected. The question of appropriation he considered had been abandoned. ["*No, no.*"] He did not say, that all the hon. Gentlemen opposite had abandoned it; but he was of opinion, that it had been abandoned by the Government. At any rate it was excluded from the settlement of the question at present. Of course hon. Gentlemen might retain their opinion; but unless he believed the principle of appropriation excluded from the settlement of the tithe question, he never would consent to this measure. He would again, then, express his gratification at the prospect of a final and satisfactory adjustment of these various important questions.

Lord *John Russell* said, that he did not mean to go further after the appointment of the Committee than to move, it should report progress, and ask leave to sit again on an early day. The right hon. Gentleman had touched on the question of appropriation in a way which rendered it necessary for him (Lord John Russell) to say a few words in explanation of what he had already endeavoured to state to the House. It would be sufficient for him to state, that he fully adhered to the opinions he had repeatedly declared on this point. His reason for not having proposed such a clause in the present bill was simply that he had considered he could not carry such a principle into a law, and that he should under existing circumstances, fail in passing a measure of which such a principle formed part. Had he conceived he stood any chance of carrying that principle he should have proposed it and did he think he stood any chance of carrying it now he would propose it to-morrow; but he considered he should have acted most unjustifiably had he attempted to press it forward now.

Mr. *Ward*, entertaining the opinions which it was well known he did on this question of appropriation, could he suppose for a moment that such a proposal as that which had been laid before the House that night could be the basis of a "final and satisfactory settlement?" The House was bound to guard itself against being held pledged to any compromise which should end in giving a new title to the Irish clergy, which should operate as a guarantee that their title should remain in future unquestioned by Parliament. He should, at some stage of this negotiation, take the sense of the House on this principle, even if he stood alone.

Lord *Clements* protested against the practice of clubing such questions together, and debating them all on one night. He, however, felt so strongly the necessity of some immediate settlement of the tithe question in Ireland that he was willing to vote almost with any one who should propose it to the House.

Mr. *W. S. O'Brien* thought that, in the present balanced state of parties, it would be wise for both to accede to a compromise, which they could do without dishonour. The one wished to appropriate part of the Irish Church revenues to the purpose of education, the other to abolish corporations, but neither could carry their object exclusively. Therefore, to do anything they must coalesce; and he was happy to say, that he saw in the proposal of the right hon. Gentleman much that was satisfactory; and he trusted, that the operation of the measure would have the best effects in promoting the peace and improvement of the country.

Mr. *Slaney* expressed his satisfaction at the measure proposed by the right hon. Gentleman, which would be hailed by all sober-minded men in Ireland with similar delight. He could bear testimony to the disgust with which the debates on both sides of the House on Irish affairs in that House were viewed in England. He blamed both parties equally, for both were equally conspicuous for the bad taste and bad feeling which they brought to the consideration of Irish topics, making garbled extracts from opponent's speeches, to be rebutted with equal bitterness on the next opportunity. The right hon. Baronet deserved the best thanks of the House and the empire for the conciliatory manner in which he had introduced the subject.

The House went into Committee on the bill, *pro formâ*, and immediately resumed.

Committee to sit again.

HOUSE OF LORDS,

Thursday, May 31, 1838.

Minutes.] Bills. Read a first time:—Exchequer Bills. —Read a second time:—Church Patronage.

Petitions presented. By Lord Portman, three, from places in Dorsetshire, for the Immediate Abolition of the system of Negro Apprenticeship.—By the Marquess of Sligo, several, to the same effect.—By Lord Abinger, from the Clergy of the Church of England in Surry, against the recommendations contained in the Fifth Report of the Ecclesiastical Commissioners.—By the Earl of Bandon, against the present system of National Education in Ireland.—By the Marquess of Londonderry, from New Town Conyngham, Donegal, against the Irish Poor-law.

Poor-Law (Ireland).] House again went into a Committee on the Poor Relief (Ireland) Bill, discussion resumed on Earl Fitzwilliam's Amendment to the 41st clause.

The Marquess *Conyngham* had listened with attention to the able speeches of many noble Lords, but he owned that he had not heard any argument which brought conviction to his mind against the expediency of the measure. It seemed to be admitted on all hands that Ireland was in that state that something should be done for its destitute population. It was also admitted that the only resource of starving thousands in that country was a dependence on the charity of persons almost as poor as themselves. Under these circumstances, the landed proprietors of that country were bound by nature, and should be bound by law, to give relief to the destitute and worn out paupers. It was his opinion that relief should be given, not only to the impotent, but to those who were destitute from want of work, but in every case he would confine that relief to the workhouse. If that did not do in the first instance, they could easily extend the operation of the bill; but if they began by giving out-door relief, they could never withdraw it. Allusion had been made in the report of Mr. Nicholls to the condition of the peasantry in that part of the country with which he was connected. Now, it was perfectly true that most of them were in a state of great distress. He could state that so subdivided was land, that nine-tenths of his tenantry were under an annual rent of *5l.* It might be said, why do you not create large farms? It was easy to say that, but it was impossible in the present state of the country to do it. He for one should most cheerfully take upon him whatever burdens it might please their Lordships to impose by this bill on the landlords of Ireland. He had risen merely to state that he supported the bill in its two great features.

The Earl of *Fingall* had heard with the greatest pleasure the declaration of the noble Viscount at the head of her Majesty's Government, that on this great question, affecting the dearest interests of Ireland, he hoped that the demon of party would not be allowed to interfere with the deliberations of their Lordships. Some objections had been made to the extent of the powers given to the commissioners by this bill; but the commissioners in Ireland ought to have greater powers than had been granted to the English commissioners under the late poor-law. With respect to the clause before the House, he found it impossible not to vote for the substitution of the word "poorhouse" instead of "workhouse," and he should, therefore, support the amendment of the noble Earl near him.

Lord *Fitzgerald* and *Vesey* said, that, it having been suggested that the amendment which he proposed to submit to their Lordships should be put negatively, perhaps it might be convenient if he now read the words of his amendment, which he wished to be inserted in the clause after the word "unable"—viz:—

"And be it enacted, that when the commissioners have decided any poorhouse of any union to be fit for the reception of destitute persons, it shall be lawful for the guardians, at their discretion, but subject in all cases to the orders of the commissioners, to take order for relieving therein all destitute persons who are either incurably lame, or blind, or sick, or labouring under permanent bodily infirmity, and in consequence of such lameness, blindness, sicknes, or bodily infirmity, incapable of gaining a living by their labour; or destitute persons who are so incapable through temporary lameness, blindness, or sickness, during such term as they shall continue so incapable; also all orphan children being destitute, or deserted children; and it shall and may be lawful for the said guardians to employ in such poorhouse such of the poor persons to be admitted therein as shall be in any degree able to labour in the performance of such work as may be suited to their strength."

Lord *Portman* thought it was not expedient to put any words into the bill which would operate to limit in any way the discretion of the guardians. He must say he thought the words proposed by the noble Lord would, if inserted, raise so many and such intricate questions before the boards of guardians as it would be all but impossible for them to determine satisfactorily, or to say whether any given class of applicants for relief were or were not able to support themselves by their own industry. The expediency of giving a poor-law to Ireland was recognised by a majority of their Lordships, and those of their Lordships who dissented from the measure dissented, for the most part, on the ground of the inexpediency of all poor-laws, and their inadequacy to effect their object. One of those who so dissented was the noble and learned Lord below him (Lord Brougham), whose vote and speech on the second reading of this bill were in perfect consistency with the vote he gave and the eloquent speech he pronounced on occasion of the second reading of the English Poor-law Bill. He contended that the improved system established in England, which, whatever its imperfections might be, was working as beneficially for the country as any change so extensive could be expected to work, ought to be taken as the basis of that which was to be introduced into Ireland. He thought it most wise to follow the advice offered to the House by the noble and learned Lord on the discussion of the Poor-law Amendment Bill, and place extensive powers in the hands of commissioners in whom they could confide. It would be a great boon to Ireland to substitute the principle of relief by rating instead of by the voluntary contributions of the people. It had always been found necessary, in an advanced state of civilization, to act on the compulsory system. It was most unfair to the occupiers of small farms to subject them to the burthen of relieving the multitude of the destitute, while the wealthy landholders were untaxed. It would have been unwise to have added to the measure anything like a law of settlement; and he was persuaded it would be equally unadvisable to adopt the amendment of the noble Lord opposite, for if they attempted to limit relief to particular classes of persons, they must change the shape of the measure entirely. He hoped they would agree with her Majesty's Government as to the propriety of introducing the workhouse system.

Lord *Brougham* would beg to remind their Lordships, in consequence of the pleasantry in which his noble Friend had thought proper to indulge, of the position in which he was placed by his votes on the Poor-law Amendment Act. There was nothing inconsistent in saying, "I am against a provision for the poor, because it extends to the able-bodied as well as the impotent, and therefore I shall vote against it," and in saying again, after it had been determined to proceed with the measure, "Limit relief, and then let us see whether we cannot come to an agreement," though, indeed, he had not yet said that that would be the consequence of agreeing to that proposition. So far from being inconsistent, the one proposition was in reality the corollary of the other.

The Marquess of *Clanricarde* remarked, that the present bill would give the commissioners an enormous power of taxation, without any restraint. Immense expense must be incurred before relief could be given to a single person, able-bodied or impotent; the expense was certain, the relief uncertain. The question was, what is the amount of misery with which you have to deal, and what are the resources on which you can calculate to supply relief? The calculations of Mr. Nicholls, who estimated the expense of relieving the immense multitude of destitute poor in Ireland under the workhouse system at 280,000*l.* a-year, was so monstrously absurd, that it would be ludicrous, were it not for the gravity of the subject. He was ashamed to see a statement like this, so ridiculous, made the basis of a legislative measure. The total expenditure of maintaining the union workhouses in England was 1,187,346*l.* yearly, and the expenditure in Ireland, were the English system in its full extent to be introduced into that country, would amount to 3,500,000*l.*, or, allowing an abatement of 500,000*l.* on account of the greater cheapness of living in Ireland, to 3,000,000*l.* The expense of erecting workhouses in England amounted to 20*l.* a-man for the inmates. In Ireland it might be calculated at 15*l*, on account of the greater cheapness of labour. 7,000*l.* was far too low a sum to be taken as the average expense of the building. It was alleged, that the people of Ireland would not go into workhouses. If this were the case, why should they tax the landlords of Ireland to the amount of 1,000,000*l.* and more for the expense of erecting them, when that sum expended on public works in various parts of Ireland would do so much more good? The Government commissioner had stated, that the evidence of the masters of workhouses in different large towns in England convinced him that there was a strong aversion on the part of Irish labourers to enter workhouses; and yet, with strange inconsistency, he had proposed that Ireland should be studded with workhouses at certain intervals from one end of it to the other. At the same time there was to be no law of settlement in this bill. What a pretty prospect was it for landlords and tenants in a district that was doing well, to find that they were to be taxed for the benefit of a neighbouring estate or district that was doing ill. It was because he wanted to ameliorate the condition of the people of Ireland that he wished this bill to be limited in its operation. The immediate question before them was, whether they would erect poor-houses or workhouses in Ireland. A poor law for Ireland should begin with the impotent, feeble, and aged; and in laying down that position, he was backed by the unanimous voice of Ireland. For these reasons he called upon their Lordships to pause before they rejected this amendment. The question was, whether their Lordships would venture upon the most hazardous experiment that was ever made in any age or country; or whether they would do an act of charity by doing that which was clearly within their power—he meant, providing for the aged, and for those who by accident or infirmity were incapable of working for themselves, in that manner in which a Christian community ought to provide for the destitute and helpless, and not according to the strict and rigid letter of a workhouse dietary.

The Duke of *Wellington* observed, that it had been truly stated by the noble Lord who had just sat down, that the question then before the House turned on this point—whether the word "poorhouse" or "workhouse" should be introduced into the clause. If, however, the word "workhouse" were expunged from the clause, the whole frame of the bill must be altered, and that the alterations in detail which the noble Lord had proposed to their Lordships to adopt, must be made in other parts of it. He submitted, however, that their Lordships, if they adopted the word "poorhouse" instead of "workhouse," must proceed to form a machinery which, in his opinion, the state of Ireland did not require. If they intended to do no more than give relief to the aged, and the infirm, and the other persons mentioned in the amendment, they did not even want the machinery of almshouses. The establishments now existing in Ireland were quite sufficient for that purpose. Those, however, were not the objects for which their Lordships ought to provide. Their Lordships must look much further. That provision was made already, but under circumstances which could not be justified, and which ought not to exist in any country. He referred particularly to what was done to relieve the state of destitution, not only throughout the country parts of Ireland, but also in all its large towns, and more particularly in Dublin. Let their Lordships look at the state of destitution which was said to exist in Dublin, and at the mode in which it was provided for. Let them look at what was done by the Mendicity Society, and those other institutions which attempted—and they could do nothing but attempt—to relieve destitution. Let them look at what those institutions did; let them look at the force by which they levied what was called their voluntary contributions to relieve destitution and misery. The law did not compel any man to contribute; but there was something stronger than the law—there was the force of popular clamour. The names of persons who refused to contribute, were advertised at the corners of streets, and they were hooted through the town whenever they made their appearance; and why was this? To enable managers of these institutions to enforce the levy of these "voluntary" contributions. And yet, notwithstanding this, their Lordships were to be told, "You must not forcibly levy contributions to relieve distress; you must not, at any rate, do this by act of Parliament; but you must let these illegal acts continue rather than levy a sum by a rate for the relief of the poor." This was not the case in Dublin only. There were, in other large towns, institutions which provided, but provided inadequately, for poverty and distress; and in every one of these towns there were the gravest complaints made against the force, and the other illegal acts which were employed for the purpose of levying these contributions. This ought not to be. But were there no other circumstances in the state of Ireland which required measures a little stronger than those of forming poorhouses or almshouses for the lame, the impotent, and the aged, in that country? It was the practice in that House to refer to what had passed in England, and also to what had passed in Scotland on this subject. And here he must observe, that he certainly was struck by an argument which a noble and learned Lord had addressed to them a few nights ago upon the state of the law in Scotland. He begged that noble and learned Lord's pardon; but, as he was informed, the noble and learned Lord had not stated the law correctly. The law in Scotland was, he understood, the same as that in England; but the practice under it was different. There were poorhouses and almshouses, undoubtedly, in various parts of Scotland, but they were provided for, not by rate, but by charitable funds specially devoted to the purpose, or by the really voluntary contributions of individuals. Then it was said, that there was no relief granted to the able-bodied in Scotland. But that was a doubtful point, as he was given to understand. Under the law, there was no relief but to the aged and to the infirm; but relief was given to others by charity collected at the church-door, and in other places. That was a very different state of things from that which the noble and learned Lord had described. But Scotland had only 1,000,000 of people at the time when that law was made, and it ought not to be forgotten that the law had been carried into execution in a country which was one of the best-conditioned in the world, and which even now did not possess a population too numerous for its means of subsistence. Their Lordships were now called upon to provide for the relief of the poor in a nation containing 8,000,000 of men. There was, in that nation, a vast quantity of destitution. Could they, at the church or chapel doors, collect charity for the relief of it? That was quite out of the question. If their Lordships entered into the subject at all, they must enter into it in such a manner as would give them a prospect of rendering what they did effectual, and would produce a tendency to provide benefit not only by the immediate relief which it would afford, but also by the establishment of a system which would induce the landlords of Ireland not only to aid them in the execution of the measure, but also to take such other steps as might be requisite to render the measure efficient to the general relief of the distress of the country by the management of their own property, by their attention to the state of the poor on their own estates and in their own neighbourhood, and by all those other measures from which their Lordships saw so much advantage derived in this country. He hoped their Lordships would decide against the proposed alteration in the clause; if they should, he would propose a little further on the insertion of a few words which would point more distinctly to the first objects of the bill, as being the aged, infirm, impotent, lame, and others of that character, as described in the Act of Elizabeth. He certainly had in contemplation some provisions to be added at the end of the clause, in order, as far as possible, to locate the charges, and effect what he thought most important—namely, to render the measure as economical as possible. The noble Marquess (Clanricarde), seemed to think that the calculations which fixed the expense of the workhouses at the rate of 7,000*l.* each was an estimate greatly under the amount that would be actually incurred. It was impossible for him to judge the precise amount of expense which such a work in Ireland would occasion, but from what he had seen in this part of the country, he should say, that 7,000*l.* would be sufficient for the purpose. Supposing the amount to be 700,000*l.*, seeing the provisions which the Government had made to advance the money and for its repayment—he must say, he did not think it could fall very heavily on the landed interest in Ireland, and nobody could have great reason to complain of the first expense. With respect to the remainder of the expense, supposing that there would be no more than from 70,000 to 80,000 persons maintained in the workhouses, it could fairly be estimated without much difficulty; and he did not think that was an expense which the landed interest in Ireland should consider too heavy for such an object, supposing the object, as he believed it to be, a great social object in that part of the United Kingdom. There was one part of the measure, relative to the mode of levying the rates, which he thought somewhat objectionable. He considered it objectionable that those holders of land of the value of 5*l.* should be relieved altogether from the payment of poor-rates while there was another class of holders liable to taxation, whose land was heavily subject to annuities, mortgages, and other charges of that kind. But that description of persons was liable to similar demands on account of grand jury cess and other local payments. No doubt, it was a great evil, a great grievance, and the greater the charge the greater the grievance; but he could find no remedy except that of excluding them altogether from such payments. He trusted the Government would do what they could for a fair investigation of the subject to obviate the difficulty. Should the amendment be carried, it was not desirable that such large powers should be given either to commissioners or guardians, but if it should not be carried, and if they were to act on the principle of the workhouses, he should submit that in the existing state of

Ireland it was absolutely necessary that they should give those powers to the commissioners and also to the boards of guardians. At the same time, he thought that a reference to the clauses of the bill would show that in reality the commissioners had no power of taxation. They had the power of incurring expense in the ordering of workhouses, the employing officers, and other matters of that description; but any expense which the commissioners thought proper to order must be paid under the direction of the guardians; it was the guardians, not the commissioners, who had to levy the rates.

The Earl of *Chichester* supported the amendment. He contended, if any relief was to be given to the able-bodied, it must necessarily be accompanied with the most stringent regulations in order to suppress vagrancy. That restriction, however, was not contemplated in Ireland; and he was inclined to believe, that this measure so far from lessening, would aggravate the evils complained of. One beneficial effect expected from the measure was, to make the landlords energetic in finding employment for the poor on their estates; but the very first step they took was to tax those funds by which such efforts could be sustained. From what he had seen of the workhouse system in this country, he believed the scheme would prove wholly inoperative in Ireland.

The *Lord Chancellor* entirely agreed in the opinion expressed by the noble Duke, that the subject under consideration—namely, the amendment that had been moved—involved the whole principle of this measure. The bill which was sent up from the other House, and which was submitted to the consideration of Parliament, was not merely to relieve the wants of a certain description of unfortunate persons in Ireland—its object was much more extensive—it was to afford a remedy to that unfortunate state in which the labouring population of Ireland had been long placed, and in which they must continue unless the Legislature adopted means for altering their condition. When the noble Lord, therefore, spoke of a limited measure, and of relieving a certain description of individuals, if he looked at the real object of the measure, he ought to see that, although such a measure might relieve the miseries of some fellow-creatures, for the purpose of any great and real benefit it would be utterly useless. The evidence that had been given before their Lordships, showed what the evil was, and what remedy ought to be applied. If, therefore, their Lordships looked at the evidence that had been laid before them by the commissioners; if they looked at the statements of Mr. Nicholls; if they looked at the very able pamphlets of a noble Lord, a Member of the other House (Lord Clements), and of the hon. and learned Member for Galway (Mr. Lynch), no doubt could remain on any of their Lordships' minds as to the present state of the labouring population, and the evils that occasioned it. It was not necessary to go into details on this subject. He had no doubt that their Lordships had perused the evidence on which his opinion had been formed, and that they concurred with him. There might be some difference as to the remedy, but as to the causes he had not heard any noble Lord in that House, or any other person out of doors, state a different opinion. They all knew, to a certain degree at least, the unfornate state of the labouring population of Ireland, but until those reports were before them, they had no opportunity of obtaining information from authentic sources as to the extent of evils that existed. It appeared from the evidence that a most vicious system existed over a very great part of Ireland. The labouring man was not paid wages, but was remunerated in this way—the farmer who wished to employ a labourer gave him a portion of land, and, of course, the smallest possible portion which he thought could maintain him throughout the year. The unfortunate labourer was obliged to take this almost on the terms which the farmer chose, and he clung to the possession of it as his only means of existence. How, then, did he pay his rent? By his labour. Thus a contract was made between two parties on the hardest possible terms. The farmer gave the smallest possible quantity of land, and the labourer, paying his rent by his labour, did as little as he possibly could, because he had already received the price of his labour. The result was, that the contract was so hard, that the labourer could not live upon his bit of land for the whole year, and for two or three months his family, if not himself, went about the country and subsisted by mendicancy, levying contributions upon the poor and those who were not much more able to subsist than themselves. The cottager dare not refuse, or had not the heart to refuse, to give to every unfortunate mendicant a portion of his own pittance; and thus the chance was, that before the year was out he was reduced to mendicancy himself. This was not an accidental case, it was common amongst the agricultural population of Ireland, as stated in the evidence. How were they to relieve this—by taking the sick and the impotent into workhouses? The evil would remain exactly as it was. The state of Ireland at present resembled the state of this country before the amended poor-law Act passed. In Ireland, the labourer was paid out of the contributions of others, and in this country, the deficiency was made up out of the rates; but whether it was paid out of rates badly administered, or out of contributions levied on poorer neighbours, or out of charitable funds, the effect was in principle the same. What was the effect of the amended poor-law act, in this country? That which, if this bill passed, would operate in Ireland—that which would make the labouring man feel that he must look to himself to provide maintenance for himself and his family, and which would make the farmer feel that he must find means by which the labourer would be maintained—that which, in the words of Lord Clements, would make the farmer fear the rate, and the labourer the workhouse. There was but one argument, one reason, which appeared to operate on the minds of noble Lords who doubted the propriety of this measure, and that was the magnitude of it, and their apprehension that it was too large, and their fear that means did not exist by which it could be carried into effect. Those noble Lords who entertained this opinion, cast a severe reflection upon their own country. The evil was so great, that they could not venture to approach it; the evil was so deeply rooted that they could not venture to apply a remedy; they turned from the attempt in despair, and would leave the destitute poor of Ireland, in their present hopeless state, without the means of relief. What took place in this country? In this country, notwithstanding the height to which they had brought the abuses of the old poor-law, they found a remedy, and that within a comparatively short time, by holding out the same inducements to farmer and labourer, that this bill proposed. They did not tell the labourer in this country, that he should not have relief; but if they found him unable to maintain himself, they gave him relief under certain terms, and in a certain mode. Those terms, and that mode, they were most unwilling to submit to, and they tried every means to avoid. A noble Lord stated, in the course of the debate, that he was satisfied, that the Irish labourer would not enter the workhouse, without struggling to the last to prevent it. If that should be the case, it would be a security that the workhouse system would not require to be carried to the extent that was apprehended. If the amendment were carried, it would be telling to a starving family who might apply at one of the workhouses, that though the workhouse was not full, yet no relief could be afforded to them, and they must perish at its doors. An experiment, certainly, was about being tried in Ireland, and the experiment was that which had been tried in England, it was this: would the dread of a workhouse have the same effect upon the Irish labourer, that it had upon the English labourer, so that it would induce him to exert himself to keep out of the workhouse. The powers about to be conferred upon Commissioners were objected to; but they were to remember, that the power was given solely for the purpose of correcting abuses; and if they were afraid of giving such powers to the Commissioners, surely they were not afraid to trust Parliament, or to trust themselves; for any abuse of power could be corrected by them. When they had brought the agricultural labourers of Ireland into a wholesome state, then they might carry the principle further; but at present, they ought not to do more nor less than to furnish a test, by which they might know, whether or not the able-bodied labourer was able to support himself. It was to be observed, that if they established a rate for the benefit of the poor, that rate would be paid by those able to pay it, and not by the indigent portion of the population, who were now obliged to support the poor. If, too, there was a rate, it would be found capable of a proper distribution. He was afraid if the amendment were carried, it would destroy the principle of the bill, and it would leave the poor of Ireland in the same miserable state that they were in at present.

The Earl of *Haddington* said, that allusions had been made in the course of the debates upon this question to the mode of relief existing in Scotland, and that a noble and learned Lord had deprecated the bill as being of the same description with the English poor-law before its amendment, which he described as having tended to pauperize a rich, a prosperous, and a noble country. He did not mean to say, that he could perceive much analogy between Ireland and Scotland; but there was certainly still less between England and Ireland. The cause of the pauperism which had been introduced into England was to be found in the prospect which was held out of affording relief to the able-bodied poor. Under that law, in a wealthy country, possessing an abundance of the means of subsistence, together with vast capital, numbers of people, knowing that they might call upon the parish for relief, chose not to work, and became voluntary paupers instead of industrious labourers. In England, the disease was pauperism, not poverty; in Ireland, it was destitution. To him, it appeared that they were now about to adopt as a remedy for Ireland, that which they had applied to England, but a remedy which, as it appeared to him, they would find to be perfectly inapplicable. He could not correctly understand what their test was to be. It certainly appeared somewhat ungracious to apply the test of destitution to a country like Ireland. It was like holding out the alternative to the pauper of starving out of doors, or being next to starving within the walls of a prison. Again, if they were to make it the principle of their bill to give relief to the able-bodied, the Irish pauper would, of course, be speedily informed that they had proclaimed that principle. His expectations would be naturally raised by the promulgation of such a principle. And did they not think that an excitable people like the Irish would naturally be led to look upon their limited scale of relief, after such an announcement, as nothing short of a gross mockery and delusion? They applied what they called a test, and that test would appear to the pauper, to be nothing more nor less than that he was to be tormented in a workhouse. Confinement in the manner proposed, would, he need scarcely say, to an Irishman be most irksome. The principle proposed, appeared to him to be not only inapplicable in Ireland, but positively dangerous. It would afford abundant food for agitators, who would say, "See what England has done for you. They promised you relief, and they have given it to you in this niggardly manner. They have only given it to one twenty-fifth of the mass of destitution in Ireland, while in England they give in-door relief to such a number, and out-of-door relief to five times as many more." If there were a people in the world amongst whom it was especially dangerous to raise hopes of this description without any chance of being able to realize them, it was Ireland. They would convert the destitute Irish into paupers, but would produce no real good. He (the Earl of Haddington), did not recollect to have been perplexed half so much in approaching any other question as this; but he could not refrain from coming to the conclusion, that it would be infinitely safer to adopt the amendment of the noble Earl. The noble and learned Lord who had addressed the House, implored their Lordships not to be appalled by the magnitude of the measure; but they were appalled by the extent of the difficulties by which it was encompassed. They were aware that the notion of giving practical relief to the destitute in Ireland was utterly impossible. There was not one of their Lordships who thought it could be done. Any such intention was disavowed even by the framers of the bill. The proposed measure, therefore, would effect little or nothing. It was not even 500,000 persons they were going to relieve, but at most 80,000. Charitable views were exceedingly good in an individual, but nothing could be more ruinous than for a Legislature to entertain them. They must take a wider range, and look to the general bearings of the question; they must take care that they were proceeding on sound and safe principles; and beware lest, while they were now relieving a certain number of individuals, they might be sowing the seeds of mischief, to spring up hereafter, and be visited as a curse upon generations yet unborn. Entertaining these views, he could not conceal his dread that, in entertaining a project for the relief of the able-bodied poor in Ireland, they were running the risk of ruining the country. If he thought this bill was based on sound principle, and would prove a sort of regeneration to Ireland, he should not have been justified in voting against it; but he was satisfied that this would not be its effect, and, bad as those effects would be which had been already instanced, there would be this additional one, that in proportion as the proprietors of Ireland were taxed for the support of able-bodied poor, so would there be taken from their pockets the means of employing the same number that they employ now. If many were relieved by this measure, it would be a great tax on the country, and the money might be expended in a much better manner than this bill, if limited, as proposed, would be able to effect. He had heard of certain great undertakings of national improvements having been carried on most beneficially for the poor of a country—for instance, the highland roads executed in Scotland; and some means of this kind might, he believed, be adopted in the present case with the greatest advantage. He had brought his mind with great difficulty and unwillingness to the course he was then taking, as it separated him from those with whom he had the gratification of generally acting, and above all, because the vote he was about to give would separate him from a certain noble Duke (the Duke of Wellington). He regretted it, not because that noble Duke had the confidence of the great majority of the House—not because he was the leader of those who were generally opposed to her Majesty's Ministers, for he did not view this as a party question, nor had it been treated as such by those who had discussed it; but because he felt the great obligation of the country and the majority of the House to the noble Duke, and because he had the highest personal respect for him.

Lord *Carbery* said, that the noble Earl who spoke early in the debate had most truly said, that in Ireland poverty was the rule, and competency the exception; and the cause of this unfortunate state of things was, that the population of Ireland far exceeded the means which the farmers had of employing them. True it was, that the state of the soil was such as to admit of every person being employed, but the farmers had not capital enough to till their farms properly; and it was vain to hope, until tranquillity was established in that country, that English capitalists would be induced to embark their capital in any speculation connected with it. But, suppose a parish contained 500 able-bodied labourers, and that there was full work only for 300, two hundred must consequently be destitute, and who is to supply them? It was well known to agriculturists, that in Ireland almost all the farming work was effected by manual labour. In England one horse did as much work as ten men. But how were those two hundred destitute men to be supported if they had recourse to the workhouse. By this bill the farmer was to be taxed for their support, and much having been said of this test of destitution in the course of the debate, he thought another and a better test might be substituted in the first instance, namely, a test to prove whether or no the farmer was able to bear the tax. Then, with respect to the resident gentry, he saw no indisposition on their part to employ the poor, except what arose from the want of means to do so. He was in the habit of riding about in his own neighbourhood, and several improvements occasionally suggested themselves to his mind; and if he asked, as he frequently did, the owners of the land why these improvements were not undertaken, he invariably received this answer—"I should be very glad to do so if I had the means." And will this bill supply them with money to employ the poor? He had lived all his life in Ireland, and he owned, he thought the account given of the extent of charity bestowed on mendicants was very exaggerated, indeed. But, supposing it to be true, this bill could not prevent it. It never could subdue the feelings of the poor Roman Catholics in Ireland, who considered they were doing a service to God whenever they shared their potato with the poor; but, independent of all religious feelings, their own warm hearted dispositions would induce them to contrive to share their meals with the homeless and the destitute, despite of any law which parliament could pass. It had been said, that this was but an experiment, and therefore he thought that wisdom demanded that it should not go too far in the first instance. Supposing this experiment to fail, it would be impossible to recede, whereas if the experiment were tried in a smaller sphere, and that it was found to work well, it would be easy to go forward, but if it failed, as he very much feared it must, the country would be placed in a worse condition than ever. But if it should succeed, on whom was the tax to fall? Why on those persons who were now employing the poor—and the moment the rate was imposed, the number of those to whom they now give employment must be diminished. When he came to look to the effect of the bill in the middling classes in Ireland he dreaded the most serious consequences from its operation. He knew very many persons who with a tolerable property were yet so involved by family incumbrances that it was with difficulty they were enabled to keep down the interest, and if the legislature were to come down upon them with this bill, the tax under which was payable before any other demand, a most meritorious class of persons must be utterly ruined. It seemed to him that other and better means might have been adopted for ameliorating the condition of the peasantry than the present bill supplied; and he recommended particularly a judicious system of emigration. The stout and active peasant was ready enough to emigrate; but his leaving the country, so far from doing good, entailed much mischief. He was sure to leave behind him an aged mother or father with several brothers or sisters, most of whom were unable to obtain a livelihood. At present the active and best man is he who goes; but to make emigration beneficial to the country, the whole family must be encouraged to emigrate. In the south of Ireland the farmers were beginning to discover that the plan heretofore pursued of giving their labourers a small piece of land was an injudicious one, and they are now beginning to try what are called house labourers. No later than yesterday he had received a letter from a gentleman residing in a remote district in the county Cork, and he says—"You will be surprised to hear that there is a dearth of labourers in this neighbourhood. The farmers are getting rid of the cottier labourers; they find the pig, the children, and the poultry, such trespassers that they must have recourse to some other mode of providing labourers." If that plan were to be generally adopted, pauperism in Ireland would increase tenfold. He (Lord Carbery) wished it to be distinctly understood that he was by no means opposed to the enactment of any system of poor-laws into Ireland; but what he wished was to see such a system as was suited to the country, and to the means of those who were to pay the tax, and in saying that, he agreed in opinion with the gentry of Ireland, whose views on the subject were fully and fairly represented in the petitions which had been laid on their Lordships' table. There was not a gentleman in Ireland who was not anxious to have such a poor-law introduced there as could be successfully carried into effect, and it would be a great thing in any measure of the kind to have their co-operation; but if this measure went to a frightful extreme, one would be hanging back, another dissenting, and so on, and there would be great difficulty connected with it. If it were taken to a certain extent, and with a certain limitation, it might be passed and sent to Ireland, and might produce most beneficial results. The merely relieving a wretched pauper would do little, but the effect of such a law as he should support would put the poor in a higher condition, whereas the effect of the present measure would be to reduce the whole agricultural population to a state of destitution. The noble Lord concluded by stating that under all the circumstances of the case he felt bound to vote for the amendment.

The Earl of *Aberdeen* was perfectly sensible how little he was qualified to address their Lordships on this question, but there were two or three practical observations which he wished to submit to their consideration. Nothing was more natural, in a matter so enveloped in difficulty as this, than the desire which had been expressed to try the experiment on a limited scale. Such were his own convictions, impressions, and desires, but after a little reflection he was persuaded that by adopting the amendment of his noble Friend, they would not be really trying this measure, but one of a totally different nature, and yet quite as extensive and costly in its operation. His noble Friend proposed to relieve a certain class of the poor in buildings which were not to be called workhouses but poorhouses; but with the object which his noble Friend had in view, he would ask him why such houses should be built at all? The expense of building them would be much greater than the proportionate degree of relief that would be afforded. The aged and impotent were not to be dealt with as the able-bodied men who entered the workhouses—not to be treated with strict discipline, but with tenderness; and therefore, unless it could be shown that they were better relieved in those houses than out of them, there would be no advantage gained by building them. A noble and learned Lord (Lord Brougham) the other night made a strong and a passionate appeal to the House, as to the effect of the amendment now proposed by his noble Friend, and gave it to be understood that that amendment would place the law much in the same state as that which now exists in Scotland, and which he eulogized very highly. He would not enter into any matters of doubt or dispute as to the state of the law in Scotland, but would just show how the amendment of his noble Friend would leave the law different from that of Scotland. In the first place, in Scotland there was a large body of persons who had a right to relief from particular charitable institutions; but his noble Friend did not admit the right of any persons to such relief in Ireland. In the second place all the relief of Scotland that was compulsory was strictly parochial, whereas his noble Friend proposed a general rate for Ireland. And in the third place, there was in Scotland a law allowing a settlement after a residence of three years, and yet his noble Friend proposed none. In Scotland, too, there were no poorhouses or workhouses built by assessment on the people, but that kind of relief was obtained totally from charitable institutions. In adopting the amendment of his noble Friend, therefore, it would place the people of Ireland in no condition similar to those of Scotland. He thought the best course for their Lordships to adopt, was to support the clause as it stood, and to leave the discretion given by the bill, ample as it was, as affording the best chance of effecting the true object of the bill, that of improving the state of the poor in Ireland.

Earl *Fitzwilliam* said, it had been stated in the second report, that if once outdoor relief was afforded, it would convert the population of Ireland into a mass of paupers. That was the effect predicted by the author of the bill, and he (Earl Fitzwilliam) contended, that the bill gave an irresistible claim to relief, which he could not distinguish from a right. If it was true, that the English Poor-law Bill had a tendency to destroy the industry of the English labourer, why should not the same law have the same effect in Ireland? It was a bill not for the benefit of the people of Ireland, it originated in English interests. The ground on which he opposed it was, that it was not applicable to the social condition of Ireland, and instead of benefit it would produce mischief.

Lord *Cloncurry* thought the bill, on the whole, likely to answer the purposes which the best friends of Ireland desired. If there was any part of it he should wish left out, it was not the relief for the able-bodied, but the relief for the impotent; for such was the character of the country, that they did not leave the impotent without relief. A blind man at the roadside was placed there for recreation, and for a little solace from conversation with the passengers; but he was relieved by his family and friends, and so were the halt and the lame, except those who in towns made a trade of their misfortunes. The bill had created an alarm, which was not well founded; for the expense, which was intended to fall lightly on the rental, would fall, in fact, on the produce.

The Earl of *Radnor* said, the effect of the bill would be to increase the produce of Ireland, and to bring persons together and unite them in the same interest who had now separate interests. An objection had been made to the powers given by the bill; but the Commissioners had no power beyond the necessity of the case.

The Earl of *Glengall* had had communication with many classes in Ireland on the subject of this bill, and had found it universally unpopular. He doubted whether it could be carried into effect if it were passed. With one class, indeed, it was popular. If he could trust public report, there had been 7,800 applications for places under the bill. Workhouses were so very unpopular in Ireland, that it would be impossible to induce the people to enter them, and the result would be, that the bill would encourage, not diminish, the migration of Irish paupers to this country. The bill said nothing about the employment of the poor, who might be profitably engaged in reclaiming the waste lands. The bill as it at present stood was the worst digested and the best abused of any that had ever been introduced to their Lordships' notice.

The Marquess of *Lansdowne* could not support the amendment, as it was contrary to the spirit of the bill, which was intended to effect a great experiment, urged on by the necessity of the times. The Government was anxious to see how the evils existing in Ireland could be removed by the specific provision of workhouses for the most destitute, and it was his deep conviction, that no experiment could be more free from objection. The amendment, if agreed to, would neutralise the spirit of the bill, whilst the expense of commissioners and of the general machinery would remain the same. The bill did not give a right of relief, which might tend to confiscation of property; neither did it establish a law of settlement, to which so many legal objections could be taken, and which would give a bonus to attornies instead of relief to the poor; and as no positive right of relief was created by law, he felt satisfied the people of Ireland would not think of demanding it. The noble Marquess then referred to a petition, signed by the high sheriff and grand jury of the county of Monaghan, deprecating (as we understood) the limitation of poor relief to the aged and infirm. He noticed this petition, because it stated in clear terms the views with which the present bill had been brought forward. At the same time he must observe, that the bill was not intended to attempt the general relief of all the destitute in Ireland, but to create a power which should assist in effecting certain salutary changes in the social condition of the people of that country.

The Marquess of *Londonderry* objected to the petition quoted by the noble Marquess, inasmuch as the high sheriff who had empanelled the jury was himself illegally appointed; and he considered its production under these circumstances a most extraordinary proceeding. It could have no weight with the House. With respect to the measure in question, as a landed resident proprietor, he for one did not desire that the experiment adverted to by the noble Marquess should be made in Ireland.

The Earl of *Mulgrave*, holding the situation which he did in Ireland, usually observed it as a rule not to take part in any of the debates which took place upon questions relating to that country; and was only induced to depart from that rule upon the present occasion in consequence of the remarks which, in the course of the evening, had been made by the noble Marquess opposite. The noble Marquess, in speaking of a document which had been referred to by the noble Marquess, the President of the Council, said, that that document was entitled to no weight with the House, because it was signed by a gentleman whose appointment to the shrievalty of Monaghan he maintained was illegal. Now, he contended, that Mr. Kenny's appointment was strictly legal. The question of whether it were so or not, was argued in open court, and the judge who heard the case, decided that the appointment was legal, and overruled the objection which had been urged against it. But what use did the noble Marquess mean to make of his objection to the legality of the appointment of Mr. Kenny? What use did he intend to make of his objection to the document which bore that gentleman's signature? Did he mean to say, that a document signed by a gentleman of the greatest respectability and largest property in the county of Monaghan was entitled to no weight? Did he mean, that Mr. Shirley, the chairman of the grand jury, whose name was also attached to the document, was a gentleman of no weight? Did he mean to say, that Mr. Coote, the gentleman whom the noble Marquess contended ought to be high-sheriff of the county, was entitled to no weight? [The Marquess of *Londonderry:* No.] Then, if the noble Marquess would look at the document which he maintained ought to have no weight with the House, he would find, that in addition to the names of the high-sheriff and the chairman of the grand jury, it bore also the name of Mr. Coote. [The Marquess of *Londonderry* expressed a wish to see the document, which was handed to him.] Having, he hoped, convinced the noble Marquess, that the document to which his remarks had been directed was not quite so unimportant as he would lead the House to suppose, he (the Earl of Mulgrave) would say no more upon the subject. But being upon his legs, he could not help expressing the very great gratification he had felt, deeply interested as he was in the tranquillity and prosperity of Ireland, at the tone and temper of the debate to which he had listened for the last two evenings on which the House had assembled. And here let him remark to the noble Marquess, that he had done that which the noble Marquess had certainly not done—he had attentively listened to all that had been said. Having so listened to the debate, he was sure, that the impression it would leave in the other country—the interest and anxiety which the House had manifested in the condition of the poor of Ireland—would, whatever the result of the division to which they were approaching, have a most beneficial effect. He felt satisfied, that the result of it would be, to convey to the people of Ireland an assurance, that the destitution which, unhappily, had so long existed in that country, would no longer be allowed to remain unnoticed in the Imperial Parliament; and that in some shape or other, whether by this bill or by some different enactment, the property of Ireland should be made to bear its fair proportion towards the relief of a mass of misery; which, whilst it continued to exist in so large a limb of the empire, could not but be regarded as a national disgrace.

Lord *Brougham*, after a long apology for venturing to address the House upon a question which related exclusively to Ireland, a country with which he was not so well acquainted as many other noble Lords — after apologising also for his absence from the House at an earlier period of the evening, when some of his noble Friends found it necessary to advert to the observations made by him in the debate upon this subject a few nights ago —after alluding to the interference just made by the noble Earl the Vicegerent of Ireland, an interference not more unwonted on the noble Earl's part than it was well and happily timed for the Government—after commenting upon the remarks advanced by the noble Earl, which he thought contained nothing, but yet were of equal force with any of the arguments that had been urged by any of the speakers in support of the bill—proceeded to observe, that he fully concurred in all the feelings expressed by his noble Friend, the President of the Council, (the Marquess of Lansdowne), though he entirely differed from him in the means by which he would make those feelings applicable to the relief of the poor in Ireland. The noble Marquess (the Marquess of Lansdowne) admitted that the bill now before the House was a great experiment—nay, he even admitted that it was a doubtful, an uncertain, and perhaps a hazardous measure. In all these views of the question, he (Lord Brougham) fully and entirely concurred. If there were anything of difficulty or danger in the existing state of Ireland, he believed that that difficulty and danger would be incalculably increased by this rash experiment. He believed that it would render the condition of Ireland not merely bad, but perilous—so perilous as to be all but fatal. If the principle of relieving the able-bodied poor were once admitted, even though it should be nominally restricted to the workhouse, it would be found impossible from the very circumstances of the country to prevent its being extended to all who needed it out of doors. Let the House judge how utterly impossible it was to prevent this. The bill as it now stood, told the famished poor two things. It need not tell them that they were hungry, and in want of all the necessaries of life, because of those sad and melancholy facts they were themselves sufficiently aware; but it told them now, for the first time, "We, the Imperial Parliament, have provided a board of persons, who have the power, if they please to exert it, to relieve your hunger; and they have a fund at their disposal, or may raise a fund to be at their disposal, from the rich landowners, out of which your wants may be relieved." That was what the bill said to the hungry thousands of Ireland; and when it addressed them in such terms, even though the workhouse might be pointed out as the only place at which relief was to be administered, their Lordships might depend upon it that they would demand and obtain relief out of doors whenever they stood in need of it. Would they not, he would ask, swallow the prospect which the bill held out to them with as much avidity as they would grasp the food for want of which they were famishing? And let the House think what their feelings would be if they were disappointed. Relieved they would be, relieved they must be, and neither guardians nor commissioners, whether sitting in Dublin or in London, could refuse that relief while they were men and had hearts beating within their breasts. Suppose the workhouses full, and thousands still applying for relief, what would be the consequence? Either the bill would fail egregiously in its object, and, instead of giving peace and tranquillity, sow dissension over the whole face of Ireland; or relief would be granted, and a sudden application would be made to Parliament for a bill of indemnity. It had been said, that the Irish poor would rather leave the place of their birth, and go into another country, than go into the workhouse; but the evidence of the commissioners, and of those best acquainted with the people of Ireland, contradicted that statement, and showed that it was with a bitter pang that they entered on a life of vagrancy, and that the separation from their wives and children was attended with feelings of the severest anguish. He feared, if such was the case, they might get into the way of saying, that confinement in the workhouse would only be for a few weeks, and that they would, rather than separate from their families, all go into the workhouse together for a season till work returned. He would not allow himself to think that such would not be the case. A noble Lord near him had said, that there was not a single parish in Ireland where there was not employment enough for all the labourers. He was glad to hear that such was the case; but if the statement was correct, Ireland required no such measure as they were now discussing. But such was not the description of Ireland given by the commissioners. who stated, that if a farmer went into a village to hire a few labourers, he would instantly be surrounded by numbers willing and anxious to obtain employment at a rate of wages which did not exceed 3*d*. a-day. That fact indicated no lack of labourers, but showed a lamentable want of employment. But he was told again that this bill would have the effect of creating a disposition to work, and a disposition to give employment. He had never heard that there was any unwillingness to work on the part of the people of Ireland, but it was well known that there was a miserable lack of employment. Then, as to creating a disposition to give employment, would that be the effect of the bill; or, if it did what would will signify without ability? Would the bill enable them to give employment, or would the imposition of a considerable tax afford additional means of giving employment? The noble Marquess, the President of the Council, had said, that he would give up the bill if it would lead to the granting of out-door relief, and he also said, that the state of Ireland was such as rendered some measure of this kind necessary; but if some measure of this kind was necessary for Ireland, why give her a bad one?—why give her a measure which had worked so badly in England, and keep from her that which had worked so well in Scotland? In Scotland the relief was intrusted to men who had an interest in seeing its useful application. In England the relief was given to men who had some, but very little, interest in the application of the funds at their disposal; but in Ireland the funds were to be applied by men who had no interest whatever in their application. The guardians had little interest, but if they refused to act, then the commissioners might appoint paid officers, who had no interest whatever in the application of the funds. The condition of Scotland a little more than a century and a quarter ago was one hundredfold worse as to mendicancy than Ireland was at the present, their respective population at both periods being considered, and Scotland had emerged from that condition without the aid of, and because she had not the aid of, the English Poor-law Act. Fletcher, of Saltoun, in 1706, described the condition of that country, where more than 100,000 of the population were begging from door to door, not for a season, but for all the year round—not depending, as in Ireland, upon the kindly and hospitable feelings of their neighbours, but living upon the fears of those whom they visited in their, not begging, but rather marauding excursions; and the remedy which Fletcher proposed was, that it would be much better that all those should be sold to slavery than continue in their then condition. No man would have believed ten years ago that the English poor-law bill would have been applied as a temporary relief for the distresses of Ireland, any more than he would have believed that the remedy of Fletcher of Saltoun of selling the mendicants of Scotland into slavery would have been adopted. The effect of the system, as it was to be applied to Ireland, would be the taking to pieces the whole structure and framework of society: the giving relief to those who could not get work, or who did not choose to work, would, in effect, be establishing a *minimum* of wages, and would, in fact, upset all the principles of competition for employment. It might be objected to him that he was an advocate, in 1834, for the English Poor-law Amendment Bill; so he was—but why was he so? Because he wished the country to escape from a gross abuse of the poor-law system; but it did not follow, that because a bad system had been introduced into England, therefore the same would be good in Ireland. He denied that many petitions had been presented in favour of the bill; there were only very few for the bill itself, and none for the relief of the able-bodied. His opinion was decidedly the same as it always had been, but he feared it would have little weight with their Lordships; he was afraid that they would pass the bill. Nevertheless, he should give his vote in favour of the amendment.

The Earl of *Mulgrave* protested against the attack that had been made upon him by the noble and learned Lord, and was willing to commit his conduct to the fair judgment of the House. As to his taking any or no part in the debate, that was a mere matter of policy, or even of courtesy; but he had not disqualified himself from voting on this or any other question by either speaking or remaining silent, and he now declared that he should give his vote on the question decidedly in opposition to the arguments which their Lordships had just heard.

Viscount *Melbourne* said, he should not have intruded at all on their Lordships but that the principle of the amendment involved the whole principle of the bill. If his noble Friend (the Earl of Mulgrave) had not defended himself, he should have said that the noble and learned Lord had treated him with great injustice. With respect to what the noble and learned Lord had said regarding Scotland, and the lessons which ought to be drawn from what had taken place in that country, he entirely agreed with the noble and learned Lord. Unquestionably, it was fit that the Legislature should imitate what was found to be good in that country in the administration of the poor-law, and avoid the evil which had flowed from a contrary system being acted upon in England. But he did not consider, that in that respect the Government had departed from the course recommended by the noble and learned Lord in the adaptation of the present measure to Ireland. He apprehended that the guardians would have a great interest in the well-administering of the law there, by reason of the amount of the assessment to which they would themselves be liable; and if not, the appointments to be made by the commissioners would unquestionably have the effect of getting rid of all abuses. It was this very point which called for that large discretionary power which it was proposed to give the Commissioners, and which, he believed, might be intrusted to them with safety, under the control of Parliament and the great public responsibility under which those powers would be exercised—powers necessarily great—in order to introduce a system to cure the dangerous evils incident to the present state of society in Ireland. A great part of this debate, and a very great proportion of the speech of the noble and learned Lord, had been, in fact, directed, not to the question before the House, but to the question of the bill itself—that was to say, whether it were right that the bill should have been introduced at all, and whether it were fitting to be adopted by their Lordships. He was afraid that there was a difference in the state of society in Scotland and in Ireland which was not pointed out by the noble and learned Lord, but which made any analogy between Scotland, as described in the works of Fletcher of Saltoun, and the present state of Ireland, impossible. The state of the population of the two countries was exceedingly different. The population of Scotland at the time referred to, hardly exceeded 1,200,000 persons, which was evidently a manageable population, and not necessarily overwhelming everything with its numbers; whereas the very contrary was the fact with respect to Ireland. He did not profess to be very well acquainted with the letters and works of Fletcher of Saltoun, but he apprehended that that eminent man, as the noble Lord had called him, must have been either a very eager man—particularly from the opinions expressed by him, and which had been referred to to-night—or he must be somewhat given to exaggeration. At least he did not feel perfect confidence in his statement. He objected to the amendment as impracticable and unjust.

The Earl of *Winchilsea*, before their Lordships divided, wished to put a question to the noble Viscount which bore immediately on the subject under discussion. He had heard that a most desperate affray, arising out of the poor-law question, had taken place that day near his residence in Kent. He understood that upwards of twenty lives had been lost in the course of the riot, and he wished to ask the noble Viscount whether any account had reached him of such an affray. According to the report which he received, an officer of the 45th Regiment, Lieutenant Bennett, had been killed, and Captain Montgomery had been severely wounded, and also between eighteen and twenty of the populace had lost their lives. As it was in the neighbourhood of his own estate, it was very probable he had lost many a dear friend—some of those, perhaps, who had been under his own command. He was, therefore, most anxious to hear whether the noble Lord could give any authentic information on the subject.

Viscount *Melbourne* said, that he had heard nothing of it; but he understood that there was a messenger waiting for him.

The Committee divided on the amendment—Contents 41; Not contents 107; Majority 66.

The clause to stand part of the bill.

House resumed.

HOUSE OF COMMONS,

Thursday, May 31, 1838.

MINUTES.] Petitions presented. By Mr. GLADSTONE, from the Dean and Chapter of the Metropolitan Cathedral of Canterbury, against the Bill for the reduction of the Church Establishment.

CHAPLAINS OF THE HOUSE OF COMMONS.] Mr. *Williams Wynn* regretted to bring on the motion of which he had given notice in the absence of the noble Lord the Secretary for the Home Department; but having waited twenty minutes beyond the usual time for the commencement of public business, he felt, that he should be wanting in respect to the House if he did not then proceed. Understanding that his motion was to be opposed, he felt considerable difficulty in bringing it forward, as he was unable to anticipate any possible objection which could be urged against the proposal which he intended to submit for the consideration of the House. How the House, consistently with its own honour, and with the uniform and unbroken practice of more than 100 years, could hesitate to vote an address to her Majesty in behalf of three chaplains of the House similar to all former addresses in behalf of former chaplains, he was utterly at a loss to comprehend. Already addresses had been voted by Parliament to his late Majesty praying that the usual preferment might be bestowed on those three gentlemen, to all of which his late Majesty had been pleased to return a most gracious answer, assuring the House that he would confer on those gentlemen the usual preferments in the Church. He rose, therefore, to move that an humble address be presented to her Majesty, setting forth that his late Majesty had been pleased to assure the House that he would confer upon the rev. Mr. Lockwood, the rev. Mr. Repton, and the rev. Mr. Frere, the late chaplains of the House, the us al preferment in the Church granted to chaplains of that House, and praying that her Majesty would be graciously pleased to bestow on those gentlemen the preferment which his late Majesty had promised, and which it was the uniform practice to grant. Now, it apppeared from a return which had been laid upon the table, that during a period of 120 years Parliament had been in the practice of voting such addresses to the Crown, and it further appeared that in every instance cathedral preferment had been conferred on the chaplains of the House, and the cases of the three rev. gentlemen to whom he had alluded were the only exceptions. Whatever might be supposed out of doors, the fact was, that no remuneration of any kind was given by the House to those who discharged the duties of chaplain, and instead of pecuniary remuneration the uniform practice was to vote such an address as he had moved, and there was no instance when the prayer of those addresses was not complied with by the Crown. When Parliaments were triennial, those addresses were, in general, voted at intervals of two years and a half, and such continued to be the constant practice till the passing of the Septennial Act. Since the passing of that Act, the uniform practice had been to allow two chaplains to the Speaker during the continuance of each Parliament, and no objection had hitherto been made to voting addresses to the Crown on their behalf, on account of the shortness of the period of the service of any one of the chaplains of the House. In the year 1802, an address was voted to the Crown in behalf of a chaplain who had served only one month, and the Crown graciously complied with the prayer of the address, and conferred on the chaplain a prebendal stall. In another instance the chaplain filled the office for only four months, but notwithstanding he obtained a prebendal stall on an address from that House to the Crown. He had alluded to those instances of preferment having been granted, notwithstanding the shortness of the period of service, in anticipation of the only objection which he thought could be urged against the address which he had proposed. But he did think, that an objection on account of the shortness of their period of service could not consistently be urged against the claims of the three late chaplains of the House; or, at all events, such an objection ought to have been urged, if it had any force, at the time when the addresses in their favour to his late Majesty were voted by the House. If the Ministers of the Crown felt that such an objection had any force, they ought to have stated that, they could not advise the Crown to bestow the usual church preferment on these three gentlemen at the time the addresses were voted. But such a course had not been followed, for addresses had been voted by the House in favour of each of those rev. gentlemen, and the Crown had assured the House that the usual reward would be granted. On the faith of receiving that reward, those three gentlemen had given up lucrative employments for the high honour of being chaplains of that House. For five years, however, they had remained without any reward, and surely it was the duty of the House to secure for those individuals the same preferment which had been uniformly bestowed during a long series of years. It might be said, that to grant such rewards was impossible after the measure which had been introduced by the Government in relation to cathedral preferments, but could not a special clause be inserted in that measure in favour of the three rev. gentlemen whose claims he advocated, and he would ask if it was fair that they should be subjected to an operation of an *ex post facto* law after their services had been acknowledged by the House, and after the usual preferment had been promised by the Crown? He did not quarrel with the noble Lord on the course which he had taken in respect to this subject, because he considered that the House only was competent to judge of the amount of remuneration which ought to be awarded for such services. But, at the same time, the claims of these gentlemen were put in a strong position in consequence of the House of Commons having three times recognised the justice of those claims, as well as the House of Lords, and the answers returned by the Throne to the addresses presented on their behalf. In fact the three branches of the Legislature had recognised those claims, and what further ground for agreeing to the motion could be required, or what objection could be urged against it, he was unable to tell. The right hon. Gentleman concluded by moving that "An Address be presented to her Majesty to confer promotion on the three late chaplains of this House, in compliance with the addresses of the House presented to his late Majesty King William 4th."

Lord *John Russell* said, that this was a question which certainly belonged exclusively to the House of Commons, and it was for the House to decide upon whatever they thought proper to address to the Crown respecting it. But before they came to any decision upon it, he wished to state something which he considered the right hon. Gentleman had not with sufficient distinctness explained; namely, the difference which had taken place both with regard to the ecclesiastical dignities which it was in the power of the Crown to confer, and with regard to the situation of the chaplains of this House. It was the ancient practice of the House, undoubtedly, and a practice which was confirmed by the addresses which the right hon. Gentleman had referred to, and which were passed by the House, perhaps, without any great consideration being given to them, that chaplains appointed by the Speaker should receive a dignity from the hands of the Crown. At that time the patronage of the Crown was very extensive, and the services generally of the chaplain were of considerable duration. [Three years, by Mr. *Wynn*.] Yes, three years; which, it was considered, justified their appointment to those dignities. But there had been a great alteration in both respects within the last few years; there had been an alteration both as regarded the dignities capable of being conferred by the Crown, and with regard to the rewards that were to be conferred upon the chaplains. In the first place, the dignities in the Church in the gift of the Crown, instead of being in the state they formerly were, had, by the recommendation of the Church commissioners, been for the present suspended, with a view to a very great reduction. The reduction with regard to ecclesiastical patronage which was at present proposed to be carried into effect was no less than 50,000*l.* a-year. He did not mean 50,000*l.* accruing every year, but that the income which was now enjoyed by certain dignitaries and other persons belonging to the Church, and which was proposed to be surrendered by the Crown, reached that amount. These dignities and appointments consisted of the prebendaries of Westminster, the livings of St, John and St. Margaret, and the chapelries of Windsor, and which were the rewards usually given to the chaplains of the House of Commons. [Mr. *Wynn*: Also the living of Christchurch.] Christchurch was the subject of a separate consideration. It was proposed, that there should be such a reduction in these dignities, that there should be only four of these appointments retained. The alteration in the mode of rewarding in future the chaplains of the House was equally great. The House had agreed, that henceforth a sum not exceeding 200*l.* a-year should be granted to the chaplain for the performance of his duty. The right hon. Gentleman had stated in support of his present proposition, that there were instances in which chaplains had received Church dignities for services for a very limited time—one having served only one month; another only four months; and a third only eighteen months. Now, that might be used as an argument either way; either in favour of adopting a similar practice in future, or in favour of making a change in that practice. It might be used as showing, that instead of these prebends and high dignities in the Church being in the possession of the Crown, for the purpose of rewarding those whom the Crown thought worthy of being so distinguished, it was in the power of the Speaker of the House of Commons to direct the distribution of the Crown patronage to a person who had no other claim than that of having served one month as the chaplain of the House. He therefore thought the facts stated by the right hon. Gentleman might be considered a good argument in favour of the change that had taken place. With regard to the three gentlemen whose cases the right hon. Gentleman had brought forward, it appeared, that the addresses in their favour followed one another at an interval of only one year. There was no long period of service, therefore, during which they were deprived of the advantage of receiving other preferment, or of attending to other duties. But one thing which happened should be noticed. After those three addresses of 1831, 1832, and 1833, promotions took place both under Earl Grey's Government and the Government of the right hon. Gentleman the Member for Tamworth. Lord Grey recommended to his late Majesty the appointment of persons to be chaplains who had not been chaplains to the House of Commons, thus exercising an undoubted right of appointing other persons than those in whose favour those addresses were made. The right hon. Gentleman (Sir Robert Peel) when he came into office adopted a recommendation not only similar to that of Lord Grey's, but one which still more bore on this question, because he not only advised the Crown to confer a prebend of Westminster upon Mr. Millman, but at the same time addressed a letter to the Church commissioners, and pointed out to them the manner in which he had advised the Crown to surrender any immediate patronage of the Crown for the promotion of the general benefit of the Church. That letter of the right hon. Gentleman had been acted upon by Lord Melbourne, and was considered by the present Government—and he (Lord J. Russell) trusted it would be by any future Government until this matter should be finally arranged by the Legislature—as prescribing the rule by which the Crown ought to proceed with respect to conferring any preferment in its own immediate gift. That letter having been acted upon, and the disposal of the dignities having been suspended by the recommendation of the Church commissioners, the question merely came to this, whether the patronage of the Crown having been reduced at the very great rate he had already mentioned, the House would consent so far further to restrict the power of recommendation and appointment by the Crown as to say, that these three gentlemen who had been named by the late Speaker to be chaplains of that House should have a prior right, and that the Crown should be deprived, to the extent of these three nominations, which would probably embrace a period of not less than six or seven years, of all right to appoint any person who might be recommended to it for promotion? Another course was that which had been recommended by an address of the right hon. Gentleman, that dignities in the Church should be conferred on these gentlemen, and that any measure of reform which might be introduced, and in which a diminution of such dignities should be recommended, an exception should be made in favour of the three gentlemen mentioned. The last seemed to him to be the only course which could be adopted; but even that would be giving to them sinecure ecclesiastical revenues, instead of applying them towards supplying the deficiency in the stipends of vicars and curates in large and populous parishes, and of affording additional religious instruction according to the doctrines of the Established Church. The question was one entirely for the decision of the House, and it was not for the Government to oppose any decision to which the House might come.

Sir *R. Peel* said, that the noble Lord had stated two subjects for their consideration. One was, that the House of Commons had adopted a different system of remunerating its chaplains; and the other was, that the patronage of the Crown was much diminished in amount. Now, he thought, that the first consideration had no proper bearing upon the question. It was true, that the House had adopted a new mode of remuneration, and this was a conclusive reason for refusing any preferment, if it should be asked by the present chaplain, who had accepted the office since the arrangement; but it ought not to operate to defeat the claim of the chaplains who were appointed previously to the institution of the new mode of reward. It was certainly unfortunate that six or seven years since, the Crown and the House had come to some understanding, for it was not to be expected, that when the service was for such short periods as it had been since 1829 the House should demand so much patronage; and he thought, that the Crown ought not to have been called upon to accede to such requests till after a service of five years. But unfortunately they had adopted this course—they had adhered to the former system—and although the chaplains had only served even for a few months, the House had addressed the Crown in their behalf, and an answer had been received pledging the royal word, that the promotion should be granted. The first consideration, therefore, was out of question; and with respect to the second, he would ask whether the good faith of Parliament and of the Crown was not pledged to bestow this patronage; and he could not say—although the practice of maintaining sinecures was objectionable—he could not say, that the present claim was not founded in good faith. The noble Lord had said, that whilst he (Sir Robert Peel) was in office he had the disposal of much Church patronage, and that he had not appointed any of the late chaplains; but he found, that his predecessors had neglected these claims, and that there were three chaplains unprovided for. He thought, that active duty should be attached to particular prebends. During the time that he was in office he had only one prebend to dispose of—that of Westminster; and considering the wants of the populous parish of St. John and St. Margaret, he had determined upon applying this piece of preferment to supply the wants, and the first offer which he made of it was to one of the chaplains, so strongly did he feel the claim which the Crown had contracted, and the consideration due to the vote of the House of Commons; and he wished to apply the patronage at his disposal to the double object of providing additional religious instruction in populous parishes and of providing for the claims of the chaplains. The first chaplain declined it, for reasons which appeared to him (Sir Robert Peel) to be sufficient. He then offered it to the second, who also for good reasons declined it; and as time was pressing in consequence of the active measures taken by the noble Lord, he thought he could not better bestow it than by giving it to reward an eminent literary and private character. When, therefore, the noble Lord quoted his example as an authority, he hoped that he would not suppress the facts, and he thought, that the authority of his example told all the other way. He was of opinion, that the claim still existed, and that it must be satisfied one way or another. Whether they ought to continue sinecures for this purpose he was not prepared to say; but if the advice given to the Crown should be, that some other preferment should be substituted he would not object, nor did he offer any opposition to the suggestion of the noble Lord, that an exception to the general rule should in this case be permitted. The offer which had been made by him, he was satisfied, was unavailable to the parties, and he thought, that it was a public claim, and that it must be satisfied.

The *Chancellor of the Exchequer* remarked, that the difference between the offer which would have been accepted and that which was rejected was, that the former was accompanied by the performance of public duties, whilst the latter was unaccompanied by any. The question was, how the House could now proceed? Would this House reject the rule which it had laid down, and would it consent to continue the principle of sinecures? He submitted whether a just discharge of the obligation might not be effected by giving an equivalent of a pecuniary nature, not founded on the amount now paid, and which might not be sufficient for a gentleman who only performed the duties for one Session, but an adequate equivalent. He thought, that it was disgraceful to the country to leave the gentlemen who had served the House of Commons without remuneration, and he was sure, that no one would object to a fair equivalent for the duties performed; but he would not believe, unless it were confirmed by a vote of the House, that, having determined to abolish sinecures, they would propose by an address in favour of their own chaplains to suspend the general rule. For these reasons he would rather support a money grant than this address.

Lord *Francis Egerton* having presented the petition from these gentlemen, and believing, that the honour of the House was pledged to the promotion, wished to say one word upon the subject, especially as the noble Lord was under a false impression that he could not consent to this motion without overturning the principle which had been adopted. He (Lord Francis Egerton) did not understand these Gentlemen to ask for any sinecures; their object would be attained by having some preferment with parochial duty. It was perfectly true, that the promotion which had been offered was refused for reasons which were satisfactory to his right hon. Friend. He had a letter from Lord Canterbury, showing, that in the case of Mr. Lockwood that gentleman felt, that his health and strength were unfit for the discharge of the duties of a large parish, and though a stall in Canterbury, with the less onerous duties of a small parish attached, was held out as a probable change, yet Mr. Lockwood might have taken the preferment, but feeling himself really incompetent to discharge its duties, he acted conscientiously and declined it. The circumstances of the other case, Mr. Repton's, were somewhat different; he was involved in the property of a chapel, which he could not dispose of in the time presented by the Bishop of London, and he had, therefore, thought it necessary to forego the appointment. He was glad, that the new regulation had been adopted; but to give it an *ex post facto* operation would be highly unjust to individuals.

Sir *E. Knatchbull* confirmed, from his personal knowledge, the statement made by the noble Lord, and bore testimony to the high character of Mr. Lockwood, who well discharged his parochial duties, and who was the last man who would stoop to undertake any office for which he was not duly qualified,

Motion agreed to.

NAVAL ARCHITECTURE.] Viscount *Ingestrie* rose to move for a "return of the promotions and appointments of the various shipwrights and other officers, that have taken place since 1830 in Her Majesty's dock-yards, distinguishing those who were educated at the school of Naval Architecture;" and as the question involved in the motion was of national importance, he hoped, that no apology was necessary for bringing it forward. Unfortuuately naval architecture had been for many years neglected in England, and even since the subject had been attended to, it had been liable to much party feeling not political or professional, an d in makinghis present statement he disavowed being actuated by any party feeling, whether political or professional. In the third report of the naval commissioners, made in the year 1806, he found most full and valuable statements, and with them he entirely concurred. He could not but express his opinion, without intending to convey any offence, that there appeared to exist a spirit of favouritism which was not proper to be felt in the promotion of such officers, and he would instance a case by which this idea was supported. The master shipwright of Pembroke Dock-yard was, in the year 1828, a draughtsman, employed in the yard at wages of 5*s*. per day, and he now held his present situation at a yearly salary of 600*l*., having had the intermediate office of foreman of the Plymouth Dock-yard conferred upon him. He did not doubt, that he had great talent and that he ought to be properly rewarded, but it was the principle to which he objected, by which men of such a calibre were appointed to situations of so much importance, over the heads of persons who had been compelled to procure expensive educations, and who had filled laborious offices, their income being only 250*l*. a-year. He did not like to mention names of any persons, because it might operate to their prejudice hereafter, and his only object was that means should be taken by which those officers who had been educated in the Naval College should be properly rewarded for their services. The hon. and gallant Member was proceeding to move for some other returns, when the House was counted out.

HOUSE OF LORDS,

Friday, June 1, 1838.

Minutes.] Petitions presented. By the Bishop of Derry, from Dromacon, against the present National system of Education (Ireland).—By Lord Brougham, several, for the Immediate Abolition of Negro Apprenticeship; from Members of the Established Church at Cockermouth, praying for a reform in the Church; from the Students of the University of Edinburgh, praying for an alteration of the Charter of the University; several against further Endowments to the Scottish Church; from Cork, against the Poor Relief (Ireland) Bill; and from Liverpool, for a better system of Education for the Poor.—By the Earl of Winchilsea, several, in favour of the Imprisonment for Debt Bill.—By the Earl of Ripon, from Inhabitants of Birmingham, against granting a Charter of Incorporation to that town.—By Lord Carbery, from the Grand Jury of the county of Cork, and from several places in Ireland, for a speedy settlement of the Tithe question.

Canterbury Fanatics.] The Earl of *Winchilsea* wished to ask the noble Viscount at the head of her Majesty's Government whether he had any objection to lay on the table any official communication which had been made to Government in respect to the unfortunate and insane individual who had recently caused so much disturbance, attended with loss of life, in Kent? This individual, he believed, had been convicted, some years ago, of the very gross offence of perjury, but, being insane, had been confined in a lunatic asylum, but had since been released. The question he had now to ask of the noble Viscount was, whether any recommendation had been made by any of the magistrates or gentlemen of the county for the release of that person; for he apprehended, on the contrary, that the magistrates and gentry of the county were unanimous in their conviction of the danger of setting him at large?

Viscount *Melbourne* said, that he believed it was the case, that the individual in question had been sentenced to two or three years' imprisonment, but that, being found to be deranged, he was consigned to a lunatic asylum, whence he had subsequently been released by the direction of the Secretary of State, on the undertaking of his family to take care of him and restrain the extravagant conduct in which he had indulged. He apprehended that his noble Friend, the Secretary of State, would have every anxiety to lay on the table all the grounds of recommendation upon which this had been done.

Subject dropped.

HOUSE OF COMMONS,

Friday, June 1, 1838.

Minutes.] Petitions presented. By Mr. Bramston, from the Clergy of Essex, and by Mr. Estcourt, from the Clergy of Wilts, against the alienation of Church Property.—By Mr. Chalmers, from Montrose, for a reform in the Representative system.—By Mr. Hindley, from the Clergy of Ashton-under-Lyne, against the Beer Act; from the Inhabitants of Ashton-under-Lyne, for the Abolition of Negro Apprenticeship.—By Mr. Cresswell, from Liverpool, for the reduction of Postage.—By Mr. Baines, from a place in the West Riding of York, for an Amendment of the Factory Bill; from the Mayor, Aldermen, and Burgesses of the Borough of Leeds, for an Amendment in the Corporation Act.—By Mr. Sergeant Jackson, from a place in Cavan, against the system of National Education in Ireland.

Canterbury Fanatics.] Mr. *Plumptre* wished to inquire of the noble Lord, the Secretary of State for the Home Department, whether he had received any information of a melancholy and sanguinary affray which had taken place near Canterbury? He wished to ask, also, whether the individual who was the chief author of that affray was not a decided madman; whether he had not been for some time confined as such in a lunatic asylum in the county of Kent; and by whose authority that individual had been set at liberty?

Lord *John Russell*, with regard to the unfortunate occurrence, could only say, that the accounts received at the Home-office from the magistrates as well as the military authorities, coincided very nearly with the public accounts, with which the hon. Gentleman was already acquainted. With respect to the individual who was the chief author of the melancholy occurrence, he was found guilty of perjury in the year 1833, at the assizes for the county of Kent. It was then said, that he was of unsound mind, and he was confined from the year 1833 in the lunatic asylum in the county of Kent. Towards the latter end of the last year his father reported to him (Lord John Russell), as Secretary of State, that although his son was in some degree of unsoundness and flighty, yet that he had not been found guilty of any criminal act of violence, and the father stated that, if released, he would take charge of his son. Upon this representation, he directed the visiting magistrates to give an account of his state of mind, and an account was forwarded from the surgeon of the asylum that he certainly was still of an unsound mind, fancying himself (Sir William Courtenay) a knight of Malta, and having other erroneous impressions; but there was nothing to show that there was anything dangerous or malicious in his madness. He had no reason to doubt, that the person who was his father, and who was represented to him as a person of good character, would undertake the charge of his son; and on his representation, and on his engagement, this individual, having been four years confined, he gave orders should be set at liberty. It appeared, that the father afterwards went to the lunatic asylum, and instead of taking charge of his son himself, said, that he had authority to have his son delivered up to whomsoever he might appoint; and instead of appointing a person used to the care of such patients, he gave him in charge to a person living in the neighbourhood, in the county of Kent, of whom there was no reason to suppose that he was fit for the charge of any man in such a condition. There was nothing with which he (Lord John Russell) was acquainted in the previous circumstances, to induce him to believe, that the individual was likely to commit any crime of violence; he had been found guilty only of perjury, and not of any violent assault, or of an attack on an individual; and under these circumstances he complied with the request of the father. It appeared that since his discharge the individual had been living in the county of Kent, and had been guilty of the acts which led to this unfortunate occurrence.

Sir *Hussey Vivian* had been applied to on this subject by an hon. Friend, a Member of that House, whom he did not then see in his place, who stated that he knew the individual, and that his family were most respectable, and they were very desirous of having him under their protection. They stated, that they were convinced that the insanity was only temporary, and the request came not only from the father, but also from the wife. The noble Lord had particularly guarded himself, by making particular inquiries as to the respectability, before he acceded to the request, and under the conditions as to the charge of his person, the individual was ultimately released.

Sir *Robert Peel* wished to ask whether, previous to the actual collection of persons which led to the unfortunate collision, the magistrates had made any representations that this individual was occupied in agitating the public mind upon this subject?

Lord *John Russell* replied, that he had not received any representation of the kind, nor had he received any statement till this day.

Sir *Robert Peel*: Did not accounts reach the noble Lord some days previously that the individual was occupied in agitating the public mind?

Lord *John Russell*: No; no information of any kind had reached me before this occurrence.

MUNICIPAL CORPORATIONS (IRELAND).] Lord John Russell moved the order of the day for the House to resolve itself into a Committee on the Municipal Corporations (Ireland) Bill. On the question that the Speaker leave the chair,

Mr. *D'Israeli* said, that there was one point on which that House had a right to expect that it should receive from the noble Lord some information. When he found, that two powerful and rival parties in the State, had effected a compromise—a compromise on a subject so important as the government of a country, and that country so interesting as Ireland, and one which was so important a portion of the empire—he felt, that it was at least due to the House, to their constituents, and to the nation at large, that they should be favoured with a clear, an intelligible, and a perfect idea of the principle in favour of which this compromise was effected. He assumed that such principle was not a meaner one than as to what should be the manner on which the future and permanent government of Ireland should be carried on; for if he thought, that the principle was of a meaner nature, he would look only on the compromise as a miserable expedient, as an attempt to elude difficulties against which they must finally contend; and that it would only give a momentary lull to the storm of political agitation which had so long menaced the State, instead of that calm which right-minded persons of all parties were anxious to witness, and that Ireland should enjoy. There was only one principle for the government of such a country, and that was, the principle of centralization; and for this reason, if for no other, it was, that we delegated power from England to Ireland, because it was the only authority which could be trusted to execute that power without passion. He was sure that such was the principle adopted by the right hon. Baronet, and on which alone he would consent to govern Ireland; and unless he (Mr. D'Israeli) were informed, distinctly informed, that the noble Lord intended to adopt such a principle of government, he would most reluctantly enter upon a compromise which would not benefit Ireland. The noble Lord was obliged to adopt such a principle now he had the advantage of a stipendiary magistracy and of a paid police, and he (Mr. D'Israeli) thought that there was some inconsistency in the noble Lord availing himself of a machinery without which he could not maintain order, whilst order was preserved in England without such machinery; and then in the noble Lord attempting to assimilate the two systems of municipal government, and to give magistrates to towns when the noble Lord could not trust the rural magistrates with the preservation of order.

The House in Committee.

On the first Clause,

Mr. *Shaw* said, that he wished to move an amendment, to unite the two first schedules A and B, so as to leave only two schedules instead of three, as at present. The first, to contain the towns to which corporations were to be given, with an uniform 10*l.* franchise as assessed to the poor-rates, and the second to contain those towns in which a majority of the 10*l.* householders might apply for and obtain a charter, and in which, if they did not so apply, commissioners were to be appointed. His formal amendment to effect this object would be, to introduce the word "and" in the 13th line after the letter A.

Lord *John Russell* wished to say a few words to explain his view on the point which the right hon. Gentleman adverted to the other night. He would not enter into the questions which might be discussed on particular clauses, nor would he enter into the details of the two principal points adverted to by the right hon. Gentleman, but he thought that it would be most convenient if he were to state his view with respect to the two propositions. Those two propositions, as he conceived, were, to pass a bill giving corporations to only eleven cities and boroughs in Ireland, and to leave out the granting of corporations to all the places in schedule C, giving, however, to them and to other places which had not corporate charters, liberty of applying to the Crown, with the view of obtainingcharters, thereby absolutely conferring new and reformed corporations on eleven cities and boroughs, reserving the power of granting the same to others by a different mode, not denying corporations to any, but determining that these towns might, or might not, on their own application, have the same charters. The other proposition of the right hon. Gentleman regarded the amount of the franchise, by which, instead of a division of a 10*l.* franchise in some towns, of a 7*l.* franchise in others, and a franchise of 5*l.* value in all the rest, some thirty in number, the right hon. Gentleman proposed that there should be one uniform franchise for all corporations constituted by that bill, or to be afterwards constituted, provided that if a rate to the poor should be established by Act of Parliament such rate should be the criterion by which the value was to be ascertained. With regard to the first proposition to which the right hon. Gentleman's present amendment more particularly referred, he stated, that although he had preferred the bill as it stood, to the proposal made by the right hon. Gentleman, yet, as the proposition contained in the first place an enactment that a certain number of the principal cities and towns in Ireland should have corporations, and, secondly, that the administration of other towns, should, under certain conditions, be similarly provided for, he did not think the point of difference of vast importance, he was content to wave it, and he would be glad to see the bill in operation. He would, therefore, allow the right hon. Gentleman's proposal in that respect. With regard to the other proposition relating to the franchise, it seemed to the Government, after the best consideration which they had been enabled to give to the question, that an uniform 10*l.* franchise, coupled with rating to that amount, would be too high a qualification. He was not going to argue the whole question then; but he only made these observations to facilitate their proceedings. Every proposition of the right hon. Gentleman, and the grounds on which it was placed, must be considered in their general operation for the establishment of the franchise in municipal towns, and, without stinting any, they ought to be peculiarly anxious to see the franchise granted in a manner which should not be offensive or invidious to any. They were grounds which, supposing the House were considering the establishment of corporations for Scotland, might equally have been considered by the right hon. Gentleman as the foundation of the franchise for that country. Therefore, with respect to the mode of reasoning adopted by the right hon. Gentleman, he (Lord John Russell) would at once say, that he was ready to follow the same mode of reasoning, although he came to a different conclusion from him with regard to the amount at which the franchise ought to be fixed. He did not wish to propose any franchise at a sum unreasonably low. With regard to all the other points upon which the right hon. Gentleman had touched, he (Lord John Russell) believed, that, hardly without any exception, when they came to the discussion of the amendments that would be proposed, there would be no difference of opinion between the right hon. Gentleman and himself. He, therefore hoped the right hon. and learned Gentleman opposite would not divide the Committee now upon the clause in its present shape, on the understanding that the point should be reconsidered. Taking the matter one way or the other, however, the main point of difference that remained with respect to the bill was the question of the franchise. If that question upon discussion could be satisfactorily arranged, he was not disposed to dispute this point, and he thought that they might be able to agree generally with respect to the provisions of the bill. The right hon. Gentleman, therefore, would understand that whatever might be the decision at the present moment, he (Lord John Russell) considered that the discussion of the clause with respect to the amount of the franchise would be the main discussion on this bill. Upon that clause he should be prepared to state his views, and wherein he differed from the right hon. Gentleman, although there was really no difference in principle between them.

Sir *Robert Peel* agreed that it was a matter of indifference, whether they took this clause at present or not. Although his right hon. and learned Friend nominally proposed the omission of schedule C, yet it was not for the purpose of removing from the bill those towns that stood in that schedule. It was necessary to make the proposal on this account, because, of course, they (the Opposition) must assume for the sake of argument that their principles were admitted. That was inevitable. They proposed, that the whole eleven towns should have corporations as a matter of course; that it should be obligatory upon those towns to have them. They assumed, also, that the amount of the franchise should be 10*l*. In that case it was unnecessary to have two schedules, so that what was now called schedule C would become part of schedule B. But the noble Lord would perceive, that this very point would arise in discussing the sixth clause, because that clause contained the amount of the franchise, and the whole of the amendments which he had prepared would depend upon the decision come to respecting that clause, resting as they entirely did upon the question as to what should be the amount of the franchise. He wished to suggest his amendments in the most conciliatory spirit; yet he was bound to state to the noble Lord, that he did not come forward to propose them without full consideration, and without a perfect determination to abide by them. When the question of franchise should arise, he intended steadily to adhere to the principle on which he proposed, that the corporations should be granted. Therefore, supposing the House should determine that a 5*l*. franchise should be given in certain cases, it would become him to consider the position in which he should be placed, because, in that supposition it would evidently be unnecessary for him to propose the passing of many subsequent amendments, which, in fulfilment of his engagement, he had prepared.

Mr. *O'Connell* thought, it would be more convenient if the Committee were made to understand the amendments of the right hon. Gentleman more in detail. They understood what the principle of the right hon. Gentleman was; that it was, in fact, contracting the franchise by diminishing the number of voters in Ireland, so that, if possible, the same result might be obtained after the establishment of the corporations, as was obtained now, but by a different process; and that they might be, if not quite so exclusive as at present, yet, in point of fact, still an exclusive body, and with a power existing to make them equally exclusive, if necessary. The very distinctness with which the right hon. Gentleman had announced his adherence to the arrangement he proposed, showed exactly what the people of Ireland had to expect; that was to say, that this measure was to be a compromise, in which one party would propose it, another party would not accept it, while the third and most important party of all was to be left out of consideration altogether. That being distinctly the fact, the question was, whether it was worth while to consider it at all—whether it was worth while to be playing the game of delusion any longer. It was melancholy to reflect that a measure brought in by the Government, and now pending in the House of Lords, and which was founded upon the principle of charity and benevolence towards Ireland, should be made subordinate to party views in arrangements affecting the civil rights of the people of that country; and be made use of as an instrument for lessening the extent of the municipal franchise. In no country in the world could such a thing be done, except with respect to Ireland. As far as he understood what was proposed by the right hon. Gentleman, it was,that the poor-law should be taken as a test, with a view to raise the amount of the franchise, and to diminish the number of voters both in the counties and towns in Ireland. He did not care how that object was covered, or by what plausible or conciliatory words it was to be accomplished. A wise statesman would desire that the people of Ireland should be received within the pale of the British constitution, not for the purpose of domination, but for the purpose of being identified with the people of England and of Scotland. These ought to be the objects of a wise and benevolent statesman. It was said, that the Catholic Emancipation Bill was enacted for that object, and to a certain extent, it undoubtedly was. But how far did that bill go? It went so far as giving rights and privileges to the gentry and upper classes, but at the same time, it took away rights and privileges from the people, and from the humbler classes, by raising the franchise to such an amount as placed it beyond their reach. These two objects, that of conferring rights on the rich, and taking away rights from the poor, ought to have had no connection. The power of holding seats in the Houses of Parliament, of occupying stations on the bench, and of holding commissions in the army and navy, were boons to the wealthier classes, but the people were at the same time struck out of the franchise. Now, what he complained of was, that the Emancipation Bill was accompanied with a severe diminution of the rights of the people at large, so that it became absolutely necessary for them to agitate, without which no public rights could ever be obtained. And what was it that they were now doing? England and Scotland having had corporate reform for years, they were insulting Ireland, and had insulted her over and over again, by audaciously refusing togive her corporate reform, an insult which could be diminished by using gentle and mitigated terms. The black flag, it was true, had been taken down, but the people of Ireland were now to have a flag hoisted against them, which was neither orange nor green, but a mixture of both; and with the intent of something being done for them things were to be made worse. If it were meant to give Ireland corporate reform, let it be given as it had been given to England and to Scotland. He, for one, would not accept a corporate reform bill for Ireland upon any ground, but that of having a franchise as extensive as England and Scotland enjoyed. He did not desire more, but he did desire that effectually; and the people of Ireland would not be defeated on that point by any dexterity. If the House were disposed to give them a franchise to the extent he had described, then they would be ready to go into the question amicably, with a view to a final arrangement; but if they would not do that, any measure they might adopt would have no effect whatever. It would only give a certain degree of power to a certain proportion of the people of Ireland, which would enable the people generally to consider it as a paltry instalment and as a reason for the further agitation of the subject. Let not the right hon. Gentleman propose a 10*l.* franchise when it was really his intention to struggle for a 20*l.* franchise. If his object was to prevent a 5*l.* or a 10*l.* franchise let him avow it openly, and let him meet the present proposition fairly and *bonâ fide.*

Sir *Robert Peel* said, that whatever might have been the intention of the hon. and learned Gentleman, the evident effect of his speech was, to prejudice the future discussion, that might arise on the question now before the Committee. The hon. and learned Gentleman had stated, that he (Sir Robert Peel) had more sternly to-night declared that which he very mildly stated the other night to be his intentions with respect to this bill. He (Sir Robert Peel) was not aware, that there was any particular sternness in the manner in which he might state the course he meant to pursue, but he was quite sure, that the hon. and learned Gentleman must be aware, that a person might have a certain determination to pursue a particular course, and yet, anxious to avoid giving rise to any party discussion, might state his intentions in very mild language. It was stated in the bill, that in the eleven towns in which there were to be corporations, the constituency should be composed of those who truly and really held tenements of the full yearly value of 10*l.* and upwards. The hon. and learned Gentleman said, that when it was proposed, that the franchise should depend upon the possession of property of a certain clear yearly value, let them distinctly understand what that was to be—let not a 20*l.* franchise be constituted under a nominal franchise of 10*l.* He (Sir R. Peel) agreed with the hon. and learned Gentleman on that point. But when they told him (Sir R. Peel) that the franchise should be limited to those who possessed property of the *bonâ fide* value of 10*l.* a year, he called upon them to make their enactments correspond with that declaration, and give a guarantee, that the franchise was, as it professed to be in words, of the yearly value of 10*l.* and upwards in possession. The hon. and learned Gentleman had said, that the poor-law proposed for Ireland was a very unsatisfactory measure, and that we were prejudicing the corporations by proposing to take it as a test of rating. All that he (Sir Robert Peel) had said, of the poor-law was this, that the poor-law afforded an unvarying controlling check upon the amount of rating, and was, therefore, a good test of the *bonâ fide* nature of the possession on which the franchise was to depend. It would, in his opinion, be very objectionable to have two different principles of rating in the same borough. Assuming, for the sake of argument, that the poor-law would be passed, all that he urged was, that they should take a common principle for rating, both for the poor, and for ascertaining the corporation franchise. Those who thought that a 5*l.* franchise should be established would, of course, object to this; but those who proposed a 10*l.* franchise (as was proposed by the present bill) could not possibly object to taking the rating for the poor as a criterion of the municipal franchise. The hon. and learned Gentleman said, that this would be to perpetuate a monopoly. Surely in the eleven towns in Ireland proposed to be included in schedule A, it could not be said, that the occupation of a 10*l.* franchise was a monopoly. He, on the contrary, thought it would give a fair balance of interests. At least, that was not his object in proposing it. It was his fixed determination to adhere to the principle he stated the other evening, namely, that eleven towns at the franchise of 10*l.* should be fixed, instead of seven as proposed by the noble Lord; and with respect to the other towns, he should propose to leave the granting of corporations to depend upon the application of those who were to constitute them. Upon this principle he was desirous of bringing this question to a satisfactory settlement. He hoped that the same spirit would not prevail here as had prevailed out of doors. It was clear, that there was a desire on the part of some to defeat the settlement of this matter. But all the observations, that had appeared in the public prints with that object, would not in the slightest degree affect his own principle which he indicated the other evening, and which he must say, appeared to give great satisfaction to a large proportion of the Members of that House. With a steady adherence to this principle he intended not in the slightest degree to deviate from seeking to effect an amicable settlement of these questions. He should persevere in the earnest wish to bring them to an amicable arrangement, and he should be very much surprised, if persevering in that conciliatory and steady course, he should fail. Should the attempt, however, on his part fail, he very much doubted, whether he should not stand acquitted in the eyes of those who were anxious to see a suspension of that agitation in Ireland which had prevented the satisfactory adjustment of so many questions affecting the well governing of that country.

Mr. *O'Connell* said, that from the last sentiment of the right hon. Baronet he totally differed. The right hon. Baronet knew that Ireland never got anything but by agitation, and there was no better witness of that fact than the right hon. Baronet himself. It was not from conviction, or reason, or judgment, or an opinion of his own, that the people of Ireland had a right to emancipation, that he consented to it; but he yielded obviously to agitation, and he did wisely: he, therefore, was the last person who ought to stigmatise agitation. But the question now was, not whether in words —for in words the right hon. Baronet really stood by his former statement of his intentions — but the real question was whether in reality it was intended to fix the franchise at the sum nominally mentioned. The only question between him (Mr. O'Connell) and the right hon. Baronet was as to the value. He would give an instance. In the town of Belfast the franchise depended on the value as rated. There were persons sworn to set a just value upon the houses, and yet those valuers came before the fictitious votes committee, and declared that houses which they had themselves valued at 8*l.* might have been most safely taken at 10*l.* value. Every man, therefore, rated at 8*l.* was shut out of the franchise. That was exactly the question at present; and it was quite right that they should know how far they were likely to agree upon this point with the right hon. Baronet. He never could consent to any one man being deprived by any species of dexterity of the franchise, or by voluntarily avoiding to pay what he ought to pay, and thereby release himself of the exercise of the franchise.

Lord *John Russell* begged to suggest that as this point would again come under discussion when the right hon. Baronet should propose his amendment in clause 6, the present conversation had better terminate.

Sir *Edward Sugden* wished to ask the hon. and learned Member for Dublin what test of qualification he would himself suggest?

Mr. *O'Connell* would answer that question at once. He would take the value as it was ascertained under the Parliamentary Reform Act for towns and boroughs, but not for counties; for them there must be a valuation. The test he proposed was perfect in its nature. No man would pay 10*l.* for a tenement which was not worth it. Where the rent was less than 10*l.* they would have to ascertain whether any fine were given by the tenant, which they would add to the rent at the rate of ten per cent. If there had been no fine given, then they would have to inquire whether there had been any improvements which would induce a solvent tenant to give 10*l.* a-year for the house as it stood. These were the tests now. But the test the right hon. Baronet proposed would altogether change this; and he (Mr. O'Connell), when the period for discussing the point came, would show that there would be but little reliance to be placed upon the rating under a poor-law bill.

Sir *Edward Sugden* said, if the real value of the premises was 10*l.* a-year, that would be the amount at which it would be rated, and must be abided by.

Lord *Granville Somerset* said, that having attended to a great number of cases, he had come to the conclusion that nothing could be more unsatisfactory than the criterion of value as established before the revising barristers. It was important that a certainty of a just valuation should be procured, and he saw no better plan than one in which the parties themselves were interested, by the payment of rates, and he must express his belief, that the success of any other would be hopeless.

Mr. *O'Connell*: It was easy to understand that this was a mere struggle to increase the amount of the franchise, and why not admit it at once? It was even yet to be ultimately decided what was to be the rating under the poor-law, and it would be better to postpone this subject at once than go on in the dark? Was it intended that the franchise for the burgess roll should be higher than the parliamentary franchise?

Sir *Robert Peel* would read the amendment which he proposed to move, and then the hon. and learned Member would understand what was intended. The hon. and learned Member said, "What is the use in going on with this discussion?" Now, if he (Sir Robert Peel) were to have proposed the postponement of this measure until the poor-law had passed, what would have been at once said? That he wanted to postpone in order to delay the granting of the privileges to Ireland. He was determined, therefore, to offer no obstruction to its going on regularly, and to frame his amendment on the assumption of the passing of the poor-law; and in the event of that bill being thrown out, to look for some other test of value. It would be to the effect that every man of full age occupying any house, warehouse, counting-house, office, or shop, which either "separately or jointly, with any land within such borough, occupied therewith by him as tenant under the same landlord, or occupied by him therewith as owner, and shall in respect of the said premises be assessed under any act for the relief of the poor in Ireland, to poor-rate as for premises of the yearly value of 10*l.* or upwards, made on an estimate of the net annual value of the same premises," &c.

Mr. *O'Connell*: Did the right hon. Baronet intend that the franchise should be higher or lower than the parliamentary franchise?

Sir *Robert Peel* wished to prevent the fictitious votes; and if any person improperly obtained possession of the franchise, it would be higher, while, on the contrary, if the premises of the voter were of the true yearly value required, it would be lower; and his object was, to take satisfactory means of ascertaining the real value. If the rating of the voter, then, was too high, he meant to give him an interest in procuring its diminution, but if too low to give him an interest in having his rate increased, and so to give him the means of enjoying his full franchise. A controlling check would thus be furnished which would effectually act on both sides.

Mr. *O'Connell:* The right hon. Baronet would have answered his question directly if it had suited his purpose. He would pledge himself to show, that the franchise which the right hon. Baronet intended to introduce was not such a one as was proper, or such as would be adopted; and that a person who held the Parliamentary franchise, being a holder of premises of the yearly value of 10*l.*, would not be permitted to vote under it. Then it was said, that it must be "paid by the tenant." So that although the landlord should pay the costs of repairs and other matters, the tenant should not have the value of it. Then, who was to calculate the value of the repairs? Let it be avowed, therefore, that it was intended to make the franchise above 10*l.* It must be a net annual value above the poor-rate itself, taxes and all repairs done, and not only on one year, but on an average of years. So that it was evident the intention was to curtail the privileges of the poorer classes.

Mr. *Brotherton* remarked, that there was another objection to the amendment of the right hon. Baronet, which was, that the tenant was required to hold all the premises under the same landlord. Now, it might happen that he held premises of the yearly value of 9*l.* under one landlord, and of the like yearly value under another landlord, and yet he would not be entitled to a vote.

Sir *W. Follett* said, he was not aware that any test of value could be discovered so good as that which would be established by rating under the Poor-law Act. The hon. and learned Member for Dublin had said, that they were going to introduce a different franchise from that which was obtained on a 10*l.* yearly value, and he said, that the Parliamentary franchise was obtained on a qualification of a house for which a rent of 10*l.* a-year was paid. No doubt such a qualification would be good either for the Parliamentary or the municipal franchise; but the hon. and learned Gentleman knew very well that that was not the value which was contended for, and he must know, that the real test was not the rent which the house would fetch, but what the tenant was able or willing to swear the house was worth. Did the hon. and learned Gentleman mean to say, that it had not been contended, and successfully contended, that the true test of value was not the rent which was paid, but that if any person occupying the premises could make them worth 10*l.* a-year to himself by any trade which he carried on there, he was entitled to the franchise? He would tell the hon. and learned Gentleman a case which had occurred in his own experience, which was now reported by Messrs. Cockburn and Rowe, and this not relating to the question of a beneficial interest in a county, but in the borough of Clonmel. He had the book there, as he did not like to trust to his own memory only. In the case to which he referred at Clonmel, eighty persons claimed the right to vote as 10*l.* householders, and to be put on the register in that capacity. What sort of premises did these applicants occupy? Cellars under ground, and parts of houses in different parts of the town. In the town of Clonmel there was a rate for the borough improvement, and certain persons appointed to value the houses for this rate were called as witnesses before the Committee, and stated, that they had made a valuation of these houses for the rate. They stated, that they took the improved rent, and what they supposed the houses would fairly let for. They exhibited the lists of these valuations, by which it appeared, that of the entire houses only one was rated at a valuation of 6*l.* a-year, and all the others were rated at 5*l.* a-year or under. The whole houses were, most of them, rated at less than 5*l.* a-year, and therefore it would have been incorrect to put upon the register even the whole houses. What should he say, then, of the parts of houses which these persons occupied? The voters, on being examined, were asked, whether their houses were worth 10*l.* a-year? Their invariable answer was, "They are so to me." And the barrister thought this answer sufficient, though it appeared that in this estimate were included their own savings by their various callings, together with those of their wives, such as rearing of pheasants and selling eggs. The barrister refused to put any question as to the amount of the rent which they paid, or which the premises would let for, declaring that no person could be so good a judge of the value of the premises as the person who occupied them. And the barrister further declared that, when the voter had taken his oath as to the value, it was not for him to refuse to register him. He asked, whether they would now continue such a system of ascertaining value? The hon. and learned Member for Dublin said, that the meaning of "houses of 10*l.* yearly value" should be interpreted by the amount of rent paid. Why, it was by that species of interpretation that these eighty persons were allowed to remain at Clonmel upon the register, and that the Member whom they succeeded in unduly returning, was allowed to retain his seat in that House for a considerable period. The hon. and learned Member had spoken of the ambiguity of the term "beneficial interest;" but he contended that this system was suffered to exist not in the counties only, where the beneficial interest came into operation, but in the boroughs. The parties had but to swear that the premises were worth so much to them. The effect of this was little short of conceding universal suffrage, and universal suffrage in the worst possible mode, because it was accompanied by an encouragement to the most extensive system of perjury. Upon this subject he had the authority of the hon. and learned Gentleman, the Member for Dublin himself. When that learned Member was examined before the committee of the House of Lords on the subject of getting rid of the 40*s.* freeholders, what did he recommend. Of the question and answer he had taken a copy, and they were as follow:—"Do you think that the raising of the qualification to 10*l.* would be productive of great benefit in Ireland?" To which the hon. and learned Gentleman replied—"It would, in my humble judgment, be of no small benefit, if you could get rid of any portion of the perjury which exists at present, and it would be the commencement of what we want very much in Ireland—a substantial yeomanry." The hon. and learned Gentleman was then of opinion, that it would be an improvement to raise the franchise in Ireland. He asked the hon. and learned Gentleman to support the same test of value in the bill which was now before the House—to apply the same test with a view to prevent the recurrence of that perjury. The hon. and learned Gentleman asked why, in establishing the municipal qualification, would they deal differently with Ireland from either England or Scotland? He must recollect, however, that the franchise proposed by this bill was not the same as in the two other countries. In Scotland the franchise was conceded to the 10*l.* householders, without distinction. In England it was given to persons paying the rates generally for a period of three years. In England there was no qualification with respect to value. In Ireland they proposed to introduce the same franchise as in Scotland, but he asked them not to introduce it colourably into their bill, and, at the same time, extend the franchise in a way which was not proposed by the bill. All he asked of them was, to carry their proposition fairly into effect. As an illustration of this subject, he would refer to the bill introduced by the right hon. Gentleman, the Attorney-General for Ireland, and the noble Lord, the Secretary for Ireland, on the subject of the registration of votes in Ireland. That bill first set aside the decisions of the judges in that country, and next, it declared the law. He should be, probably, told that the mode of estimating the value by what it was worth to the claimant, as at Clonmel, was not legal, and that this would be set right. Why, the judges of Ireland had already said so; but their opinion was not acted on in many instances. Besides, it should be recollected that the persons to place the parties on the register were the mayor and assessor of the town. He might fairly assume, therefore, that a person putting forth such a fraudulent claim might, as heretofore, in the instance of Clonmel, be placed on the burgess roll, and that the evil would, unless some substantial change were introduced, be suffered still to continue. Was not his right hon. Friend near him, therefore, right in insisting upon the establishment of some test of the *bonâ fide* possession of the franchise? The bill to which he had referred, for the registration of voters in Ireland, said:—"And be it declared and enacted, that in determining whether any premises in respect of which any person shall claim to register (it was exactly the same thing in boroughs as in counties) are of the said yearly value of 10*l*., such value shall be estimated according to the beneficial interest of the person so claiming to register out of the said premises, calculating such interest to be the profit or advantage derived by such person from such premises, or by means thereof." They were about, therefore, to give the sanction of an Act of Parliament to the mode of estimating the value which had been put so fraudulently into practice at Clonmel. The clause from which he had read went on to state, that "the same should not be calculated according to the rent which a solvent tenant could afford to pay for the same over and above any rates or other expenses to which the premises were liable." So that that which the hon. and learned Member for Dublin had stated just now to be the proper mode of estimating the value was not to be adopted at all. The clause, he must observe, was not confined to counties, but extended to boroughs. The "profit" and not the "rent," was distinctly declared to be the mode of estimating the qualification. Was that clause introduced into the bill with the sanction of the Government? And if so, he would ask whether hon. Members at his side of the House would consent to a bill conceding the 10*l*. franchise, which would give validity and legality to that mode of estimating the yearly value which he had already read to the House? The hon. and learned Member had, in a former debate, alluded to the freemen of Dublin. Now, there were clauses in this bill which made him believe, that they had been introduced by some person with the express object of disfranchising the freemen of Dublin. Those clauses were directed expressly to their disfranchisement, and he wanted to know whether that also was done by the sanction of Government? If that bill had passed, the clause to which he had referred for ascertaining the value would apply equally to the municipal franchise. [Mr. *O'Connell:* What is the number of the clause?]. Clause 37. The hon. and learned Gentleman further stated, that the object of the opposition was to raise the franchise. Now, that was not their intention. What they desired was to have an accurate test of the yearly value of 10*l*. In England the annual value was easily ascertained by discovering through a competent witness what the house would let for annually, and taking into consideration the amount of rates and taxes. But there were no parliamentary taxes imposed upon tenants in Ireland—no assessed or window taxes. He understood the present proposition to be, that the franchise should be confined to persons occupying houses of the clear yearly value of 10*l*.; and if so, the poor-rate was in Ireland, as in England, the safest test that could be applied. Why, in this very bill, which had been introduced by her Majesty's Government, when they wanted to apply a test, they had actually taken the test which was now proposed. In page 21 in the bill, when they required a qualification for mayor, aldermen, and councillors, it was stated, that they should have "occupied for the twelve months preceding a house of the yearly value of 20*l*., situated in the borough;" but that if a rate should be imposed on the borough, the words "rated as being of the value of 20*l*." should be inserted instead of the words "of the yearly value of 20*l*." It was here, therefore, clearly admitted, that the rating was the clearest test of annual value. With regard to the hon. and learned Gentleman's evidence before the Committee of the House of Lords, upon the subject of taking away the encouragement to perjury, he trusted the hon. and learned Gentleman would pardon him for being now of the same opinion. He was not afraid to avow that he did not at all think an extension of the elective franchise in Ireland would tend to increase the prosperity of the people of that country. His belief was, that the mode in which the franchise was exercised tended rather to destroy their happiness than to promote it. If, instead of exposing them to the influence of that agitation of which the hon. and learned Gentleman seemed to be so fond, their energies were to receive a different direction—if their endeavour to rival the people of England and Scotland were confined to useful objects, to agricultural improvements, to manufactures, and to commerce, it would be much better than, under the pretence of confining the franchise to *bonâ fide* 10*l.* householders, fraudulently to extend it to others. Actuated by a strong desire to prevent this bill from going forth into Ireland without the establishment of some genuine test of value, he should give his cordial support to the amendment of his right hon. Friend.

Mr. *O'Connell* did not think, great as were the talents of the hon. and learned Gentleman, that he could persuade that side of the House to sanction the franchise being altered in such a way as was so much desired by the hon. and learned Gentleman and his party. He did not mean to say, that where the rent was less than 10*l.* a year, that the person should be entitled to vote. The hon. and learned Gentleman had availed himself of the Clonmel case in 1832. In that case, he admitted, that the registering barrister had carelessly allowed a number of persons, who were not entitled to have their names placed on the register. That was a case where persons were placed on the register, who did not pay 10*l.* a year. He had no objection to taking a 10*l.* franchise; but if they adopted this amendment, the effect would be, that a man paying 10*l.* a year rent, might not be allowed to be on the municipal register. The hon. and learned Gentleman had quoted from his (Mr. O'Connell's) evidence; it was, he supposed, too much to expect, that he could on any occasion be fairly quoted. He then said, that all that was requisite to be placed on the register as a forty-shilling freeholder was, that the claimant went before a magistrate and swore, that he was possessed of a *bonâ fide* interest in a property to that amount. No corroborative evidence was required; and the oath of the individual himself was sufficient to enable him to vote. This led to the grossest perjury, but the originators of it were the aristocracy, who were anxious to multiply the number of voters on their estates, with the view of increasing their Parliamentary interest. The original proposition relative to the forty-shilling freeholders, was opposed by the Catholics in 1793, for they wished to have a five-pound franchise. In hearing, however, from the other side such alarm expressed, lest any poor persons should be placed on the register, who were not possessed of this *bonâ fide* franchise, it was remarkable, that one class of poor voters constantly escaped the malediction of hon. Gentlemen opposite. Hon. Gentlemen seemed to have no objection to the freemen who were poor voters, because they were purchasable voters. He believed, that not less than from 800,000*l.* to 1,000,000*l.* was expended in corrupting them. This was openly and boldly avowed by that body. The object of the present motion clearly was, to sneer at Ireland, by enhancing the franchise as much as possible, and by telling the people of that country they must not be put on an equality with Englishmen and Scotchmen. He did not admit anything of superiority in the hon. and learned Gentleman over the people of Ireland. England was peaceable, because there was an identity of feeling between the people and the Government, and Ireland was in a disturbed state, because the Government had been always identified with a party. He admitted the brilliant talents of the hon. and learned Gentleman, and no doubt from the possession of these, he had a high right to power; and if the franchise in Ireland was restricted to the extent that Gentlemen opposite desired, the hon. and learned Member might now be in possession of that power. He regretted, that the learned Gentleman should have joined the ranks opposite, for it should ever be the province of true genius to join the oppressed.

Lord *John Russell:* The hon. and learned Member for Exeter maintained, that they could not have a 10*l.* franchise, unless accompanied by a rate to that amount, without the perpetration of a great many frauds and evasions of the Act of Parliament. He wished to put it to the hon. and learned Gentleman, what would be the effect, if they adopted the suggestion of the right hon. Baronet. They had a 10*l.* franchise in the municipal corporations in Scotland. With regard to England, there was a continued duration of residence required, but no particular value was to be set on a house. It was not necessary that a person should occupy a house of any particular value, but he must pay rates, and have paid them for a certain period. Under the Scotch Municipal Act a burgess must occupy a house of particular value, without the test of paying poor or other rate. The English burgess, therefore, might vote without any restriction as to the value of his house, and it was immaterial whether it was 10*l.* 6*l.* or 5*l.* a-year. It was, however, proposed by the right hon. Gentleman with respect to Ireland, that they should have the Scotch restriction with respect to value, and the English restriction with respect to poor-rates. Now, although he might find fault with the franchise as it stood, he did think, that in establishing municipal corporations in Ireland there would be considerable inconvenience in having these double restrictions. It appeared to him, that when they established municipal corporations they should say, that all those who were most interested in the peace and order of the place should be entitled to the franchise, and therefore he thought, that the franchise proposed in the bill was preferable to that recommended by the right hon. Gentleman. It appeared to him, that the great objection to the right hon. Gentleman's proposition was, that it would imply, that this bill could not come into operation until a system of poor-laws was established, and not merely poor-laws, but that unions should be established in those districts in which the municipal corporations should happen to be situated. He did not see how the borough rates could be enforced, until they became a regularly elected body. It was said, that he did not consider the 10*l.* franchise too high, for he had proposed it in the first instance. Now, he thought, that it was only reasonable to say, take the 10*l.* franchise proposed in the bill until poor-rates are established in towns, and when poor-rates were established they might adopt the English principle and enact, that after residence and occupancy of a house for a certain period, and after being rated for the poor-rates, a right of voting should be conferred; or perhaps it would be better, that they should have in Ireland a rental of 5*l.* and the payment of poor-rates. By these means they would have a body of voters in the cities and boroughs deeply interested in promoting the interests of such boroughs and cities as well as of the country generally. He would put it to Gentlemen opposite to say, whether the bill was or was not to come into operation until a poor-rate was established in Ireland.

Mr. *Shaw* observed, that it did not appear to him, that his right hon. Friend wished to limit the franchise: all that he required was, that it should not be extended to those who were not *bonâ fide* 10*l.* householders.

Mr. *Sheil* said, it would not be denied, that the effect of the proposed plan would be to raise the franchise beyond the Parliamentary franchise, and the motive of this obviously was, that an opportunity might be given of raising at a future time the Parliamentary franchise to the same standard, and this it was, that induced him (Mr. Sheil) and those who thought with him to oppose that plan. In the three last years, during which hon. Gentlemen opposite had so vehemently protested against all municipal reform in Ireland, many thousand additional freemen had been created there. If these were to be kept up, which he supposed was intended, then it was essential for the protection of the people's rights and liberties, that the power of these freemen should be counterbalanced by that of a body of burgesses chosen under a moderate franchise. The only reason for restricting the franchise in this manner was, that the majority of the population of Ireland was Roman Catholic, but he hoped the right hon. Gentleman would not persevere in it.

Sir *R. Peel* felt altogether disposed with the noble Lord (Lord J. Russell) to discuss this measure simply as a question relating to the local good Government of Ireland; but the hon. and learned Gentleman (Mr. Sheil) thought he perceived in the amendment a lurking desire to humiliate the Roman Catholics of Ireland. Now the proposal in the bill was, that the franchise should depend on the possession of a house of the full and real value of 10*l.*, and the humiliating proposal was the test of qualification. That was urged as an insult to Roman Catholics, and all the return he got for what the hon. and learned Gentleman called his honest and fair attempt to settle this great question. The difficulties on both sides should be looked at. These corporations were not originally instituted for the purposes of local government, but such at least as were founded in the reign of James 1st to confirm and strengthen the Protestant interests. His first proposal, was, that they should be abolished, but that had the effect of wounding the feelings of national pride, and therefore, he avowed, that so soon as he could get security for what he considered an essential interest by the exclusion of the appropriation clause, he should be ready to consider the terms on which a satisfactory adjustment could take place. Really some deference was due to the feelings on both sides, if there were two sides on this question; and he did not think it an unreasonable proposal, the noble Lord himself suggesting a 10*l.* franchise, to provide that the qualification should be a *bonâ fide* one. Would the country think that an unreasonable demand? He took the eleven largest towns in Ireland, all containing a population above 15,000, and assuming the principle that corporations were desirable gave the inhabitants no option with regard to their establishment; and with respect to the other seven, he insisted, that the franchise should be a *bonâ fide* qualification founded on the poor-rate. Then it was asked, would they have dared to make such a proposal with regard to Scotland? Why, they did treat Ireland on as favourable a system as Scotland. Had the same abuses existed in Scotland as had been proved with respect to Ireland? Was there any case such as Clonmel among the Scotch corporations? He said this without any reflection on Ireland. The evil was in the law; the people would naturally avail themselves of it, unless effectual precautions were adopted. The noble Lord said, he would admit as many corporators as possible; but if applying the Scotch principle in Jedburgh out of a population of 3,300, the noble Lord was satisfied with 169 corporate electors—if in Lanark, with a population of 4,300, he was satisfied with 156 electors—if in Peterhead, having 5,112 inhabitants, with 170 electors—if the noble Lord, satisfied with the law existing there, brought in a bill to extend the franchise to 5*l.* but leaving every town untouched having upwards of 100 10*l.* electors, he (Sir R. Peel) might as well think of inflaming the national feelings of Scotchmen by pointing to this as an insult, as it would be for the hon. and learned Gentleman to say, that his (Sir R. Peel's) proposition was one of indignity and contempt for the Irish people. He had said all along, that he only attached importance to the poor-law because it would furnish a proper test of qualification; so far from entertaining any wish to postpone this measure, he thought this was a most favourable time and the sooner the corporations were established, the better. He had the greatest satisfaction in deferring to the national feeling, whether in England or Ireland, provided no important interests were thereby committed. But it was of the utmost importance, not for party purposes, but for the sake of good local government, that they should not adopt the suggestion of a defective test of value in the first instance. There could be no greater evil than to prescribe an ineffectual test. It would open the door to fraud, it would encourage perjury and present temptations too strong to be resisted by those who would make a push to get the corporations into their hands at first, and defy all future regulation. He did not see what should prevent the making of a rate forthwith, to afford the requisite test of qualification in all those towns in which it was impossible to establish corporations. It was not his fault, that this bill was discussed before the poor-law bill had passed the other House; if he had proposed to delay its consideration in Committee until they knew the fate of that measure, it would have been said, that he wished to postpone it until it would be too late to pass it during the present Session. But, without taking hypothetical cases, he was obliged to frame his amendment on the assumption, that the poor-law bill would become law; and to the principle of his proposition of a *bonâ fide* 10*l.* corporate franchise he should adhere, because looking to all the considerations connected with this question, and the considerable concessions it involved on the one hand, he did not think on the other, that it could be considered other than a perfectly reasonable and just demand for the purpose of securing good local government in Ireland.

Lord *John Russell* thought it very likely that the Poor-law Bill might become an Act of Parliament; but if it did not pass, they might then discuss some other mode by which this bill might be carried into operation as to the nature of rating, without the Poor-law Bill. As to the amount of rating, his opinion was, that as an uniform franchise for all the other towns, as well as the eleven, a 5*l* franchise would be better. He should, therefore, when they came to fill up the blank, propose 5*l.* instead of 10*l.*, not objecting, however, to the right hon. Gentleman's words in other respects.

The Committee divided on Sir R. Peel's Amendment that the qualification be 10*l.* with rating:—Ayes 111; Noes 137: Majority 26.

Lord *John Russell* moved to fill up the blank with the words "five pounds."

Sir *Robert Peel* said, that the noble Lord having succeeded in negativing the amendment, he had proposed, he did not mean to take the sense of the House on the noble Lord's proposal to fill up the blank with 5*l.*, because his doing so would appear to imply that he would be satisfied with something less than 10*l.* He felt himself called on to repeat what he did, in perfect good humour, that he for one would not give his consent to any proposal for reducing the amount. The whole of the amendments he had proposed were founded on the assumption that his proposal would be acceded to; but he was very little encouraged to proceed when the only one he had proposed had this unfortunate result. What were the facts? He found in schedules A and B eleven towns, in seven of which the noble Lord proposed to establish a franchise of 10*l.* He found it enacted in the bill that the person entitled to vote should be "truly," and not only "truly," but "really possessed of property of the full yearly value of 10*l.* and upwards." He had now lost that which he had in hand, the 10*l.* franchise—the full yearly value of 10*l.*—and he found in its place a 5*l.* franchise, estimated by the principle of rating. It was quite clear, then, that, after all, they were to have no security whatever, that the franchise was to be really and truly of the yearly value of 10*l.*; on the contrary, it was now evident that they were to have nothing better than a 5*l.* franchise. He was sorry that this important point had been determined in a House comparatively few in numbers. Under all the circumstances, he did not see that the slightest advantage would be likely to result from his proceeding with the details of the bill in Committee, but he should reserve to himself the power, in order that he might lay before the House the whole of his amendments, and enable it to form a clear conception of his whole scheme of taking another division on this question on the bringing up of the report.

Lord *John Russell* said, the right hon. Gentleman stated, that the only proposal he had made had met with an unfortunate result, he (Lord John Russell) must explain what it was that he had already declared his readiness to agree to. Putting aside various propositions, to which he said he thought there would be no objection, the state of the bill on its introduction was this:—There were forty-seven boroughs to which corporations were to be extended according to this model, in seven of which there was to be the 10*l.* franchise, without any rating; and in the other forty the franchise was to be 5*l.*, likewise without rating. The right hon. Gentleman proposed, that one uniform scale of voting for all the boroughs should be adopted; that only eleven of those in the schedule of the bill were to have corporations extended to them; and that with regard to all the rest, it was to be a question of application and of grant. Thus the uniform franchise was to be 10*l.*, with the addition of the rating. He agreed that eleven should be the number out of the forty-seven which should be in the bill as towns to which corporations should be absolutely given. He agreed likewise that the test of rating should be applied; but said if that test was added it would require, as could be shown by a reference to the Poor-law Bill, an increased value of the House to confer the right of voting; therefore he would have the 5*l.* franchise given by the bill to the whole of the forty towns, and not the 10*l.* given to the seven towns. Whether the proposition of the right hon. Baronet was a better one than his, or not, was for the House to determine. He thought he had shown no indisposition whatever to entertain a reasonable proposition when he said, that out of forty-seven towns contained in the bill he would give up all except eleven, and as to the franchise he would consent to introduce the principle of rating; but he asked to have the franchise what he had proposed for the larger number of towns, and not that which he had proposed for the seven towns in Ireland. This, he thought, showed that they were prepared to make great alterations in the bill on the right hon. Gentleman's suggestion. It did appear to him, that the amendment he had proposed was a fair and reasonable amendment, that it was in conformity with the spirit of the bill, and that it would tend to make this bill work more beneficially in Ireland; he regretted, therefore, the determination the right hon. Gentleman had come to, and he did not think it called for, with regard to the principles on which he said he was prepared to accede to the measure.

Sir *Robert Peel* stated from the first, that a ten-pound franchise, considering all the concessions that accompanied it, appeared to him a just and reasonable franchise, if it were estimated by the rating; and he never led any one to suppose that with any thing less than that, he should be satisfied. The whole of the amendments he had prepared were framed under an impression that his proposition would be accepted. He would now say, without the slightest ill-humour, that he was not prepared to throw up the whole consideration of the question; but on the bringing up of the report he would again submit his amendments to the House.

Mr. *O'Connell* said, that no man ought to be better tempered than he was at this moment, having completely succeeded in the object which he had in view. The cause of his good humour was this—an attempt was made to saddle on Ireland the franchise of Scotland, which would have been fair if taken by itself, but the burden of England was to be added.

Mr. *Baines* understood from the right hon. Baronet, the Member for Tamworth, and his Friend, that they proposed to give the municipal privilege to the same extent in Ireland as in England. Now he would state a fact to show that if the 10*l.* qualification was established in order to confer a right of voting at municipal elections in Ireland, it would reduce the municipal electors to less than one fourth the number that enjoyed the same privilege in England on a comparison of population. In Dublin the number of municipal electors with a 10*l.* qualification would not amount to more than 6,000, though the population of that city was nearly 300,000, while, from a petition which he (Mr. Baines) had this day laid upon the table of that House, it appeared that the number of municipal electors upon the register in the borough of Leeds, would this year be 25,000, although the population of that borough, at the taking of the last census, amounted to little more than 120,000 souls. The difference showed that if the 5*l.* qualification were adopted in Ireland, as proposed by the noble Lord at the head of the Home Department, the number of municipal electors in the Irish corporations would still be far short of the number in the English corporations.

The words "five pounds" were then inserted.

House resumed; Committee to sit again,

List of the AYES *on Sir Robert Peel's Amendment.*

Arbuthnot, hon. H.
Ashley, Lord
Baillie, Colonel
Baker, E.
Barneby, J.
Bateson, Sir R.
Bentinck, Lord G.
Blackburne, I.
Blair, J.
Blennerhassett, A.
Broadley, H.
Burroughes, H. N.
Chandos, Marquis of
Coote, Sir C. H.
Corry, hon. H.
Courtenay, P.
Cresswell, C.
Dalrymple, Sir A.
Damer, hon. D.
Darby, G.
Darlington, Earl of
D'Israeli, B.
Douro, Marquis of
Duffield, T.
Dunbar, G.
East, J. B.
Eaton, R. J.
Egerton, Lord F.
Fazakerley, J. N.
Fector, J. M.
Ferguson, Sir R. A.
Filmer, Sir E.
Fleming, J.
Follett, Sir W.
Forester, hon. G.
Fremantle, Sir T.
Freshfield, J. W.
Gaskell, Jas. Milnes
Glynne, Sir S. R.
Gordon, hon. Captain
Goulburn, rt. hon. H.
Graham, rt. hn. Sir J.
Greene, T.
Grimsditch, T.
Hale, R. B.
Halford, H.
Harcourt, G. S.
Hardinge, rt. hn. Sir H.
Heneage, G. W.
Hillsborough, Earl of
Hodgson, R.
Holmes, W.
Houldsworth, T.
Houstoun, G.
Hughes, W. B.
Hurt, F.
Ingham, R.
Inglis, Sir R. H.
Jackson, Sergeant
Jermyn, Earl
Jones, W.
Kelly, F.
Kemble, H.
Law, hon. C. E.
Lefroy, rt. hon. T.
Liddell, hon. H. T.
Lincoln, Earl of
Lockhart, A. M.
Lowther, J. H.
Lucas, E.
Lygon, hon. General
Mackenzie, T.
Mackenzie, W. F.
Meynell, Captain
Monypenny, T. G.
Nicholl, J.
Noel, W. M.
Ossulston, Lord
Palmer, G.
Parker, M.
Patten, J. W.
Peel, rt. hon. Sir R.
Perceval, Colonel
Plumptre, J. P.
Polhill, F.
Pollock, Sir F.
Powerscourt, Visct.
Praed, W. M.
Praed, W. T.
Rose, rt. hon. Sir G.
Round, C. G.
Round, J.
Scarlett, hon. J. Y.
Shirley, E. J.
Smith, A.
Somerset, Lord G.
Stanley, E.
Stanley, Lord
Sugden, rt. hn. Sir E.
Teignmouth, Lord
Tennent, J. E.
Thornhill, G.
Trevor, hon. G. R.
Vere, Sir C. B.
Vivian, J. E.
Wilbraham, hon. B.
Wodehouse, E.
Wood, T.
Wyndham, W.
Wynn, rt. hon. C. W.
Young, J.

TELLERS.

Clerk, Sir G.
Shaw, F.

List of the Noes.

Adam, Admiral
Aglionby, H. A,
Aglionby, Major
Alston, R.
Archbold, R.
Bainbridge, E. T.
Baines, E.
Ball, N.
Barnard, E. G.
Barry, G. S.
Beamish, F. B.
Bellew, R. M.
Bewes, T.
Blackett, C.
Blake, W. J.
Bodkin, J.
Brabazon, Lord
Bridgeman, H.
Briscoe, J. I.
Brocklehurst, J.
Brotherton, J.
Busfeild, W.
Butler, hon. Colonel
Callaghan, D.
Campbell, Sir J.
Carnac, Sir J. R.
Cayley, E. S.
Chalmers, P.
Chapman, Sir M. L.C.
Chester, H.
Clements, Viscount
Collier, J.
Collins, W.
Colquhoun, Sir J.
Currie, R.
Curry, W.
Dalmeny, Lord
Dennistoun, J.
D'Eyncourt, rt. hn. C.
Duff, J.
Dundas, C. W. D.
Dundas, F.
Edwards, J.
Erle, W.
Fielden, J.
Fenton, J.
Fergusson, rt. hon. C.
Finch, F.
Fitzroy, Lord C.
Fleetwood, P. H.
Gordon, R.
Grey, Sir C.
Hall, B.
Hobhouse, rt. hn. Sir J.
Hobhouse, T. B.
Hoskins, K.
Howard, F. J.
Howick, Viscount
Humphery, J.
Hurst, R. H.
Hutton, R.
James, W.
Jephson, C. D. O.
Jervis, S.
Labouchere, rt. hn. H.
Lister, E. C.
Lushington, Dr.
Lushington, C.
Lynch, A. H.
Macleod, R.
Marshall, W.
Maule, W. H.
Milton, Viscount
Morpeth, Viscount
Morris, D.
Murray, rt. hon. J. A.
Nagle, Sir R.
O'Brien, W. S.
O'Callaghan, hon. C.
O'Connell, D.
O'Connell, J.
O'Connell, M. J.
O'Conor, Don
O'Ferrall, R. M.
Parker, J.
Parnell, rt. hn. Sir H.
Parrott, J.
Pease, J.
Pendarves, E. W. W.
Philips, M.
Philpotts, J.
Pryme, G.
Ramsbottom, J.
Redington, T. N.
Rice, right hon. T. S.
Rice, E. R.
Roche, E. B.
Roche, W.
Rolfe, Sir R. M.
Russell, Lord J.
Salwey, Colonel
Scholefield, J.
Scrope, G. P.
Seymour, Lord
Sheil, R. L.
Smith, B.
Smith, R. V.
Somers, J. P.
Somerville, Sir M. W.
Stanley, W. O.
Stewart, J.
Stuart, V.
Strangways, hon. J.
Strutt, E.
Surrey, Earl of
Tancred, H. W.
Thomson, rt. hn. C. P.
Thornely, T.
Troubridge, Sir E. T.
Vigors, N. A.
Vivian, rt. hn. Sir R. H.
Warburton, H.
Wemyss, J. E.
Westenra, hon. H. R.
White, A.
White, S.
Wilkins, W.
Williams, W.
Williams, W. A.
Winnington, T. E.
Winnington, H. J.
Wood, C.
Wood, Sir M.
Wood, G. W.
Woulfe, Sergeant
Wyse, T.
Yates, J. A.

TELLERS.

Steuart, R.
Stanley, E. J.

Paired off.

FOR	AGAINST
Packe, C. W.	Hawes, B.
Douglas, Sir C. E.	Cave, R. O.
Cole, hon. A. H.	Blake, M. J.
Knight, G.	Ord, W.
Eastnor, Viscount	Loch, J.
Bell, M.	Guest, J. J.
Hope, G. W.	Mildmay, P. St. J.
Inglis, Sir R. H.	Divett, E.
Parker, T.	Style, Sir C.
Mahon, Viscount	Sanford, E. A.
Ingestrie, Lord	Cavendish, hon. G. H.
Pringle, A.	Howard, P.
Buller, Sir J. Y.	Philips, Sir R. B.
Welby, G. E.	Browne, R. D.
Pollen, Sir J. W.	Price, Sir R.
Burdett, Sir F.	Standish, C.
Marton, G.	Childers, J. W.

New Zealand.] Mr. Francis Baring moved for leave to bring in a Bill for the establishment of a British colony in New Zealand.

Sir *Robert Inglis* objected to the introduction of such a bill without any explanation of its object and intention. He questioned the right of this country to establish a colony in a part of the world which was as independent of Great Britain as France or any of the nations of Europe,

Sir *George Grey* hoped, that the hon. Baronet would not object to the mere introduction of the bill, especially as the Government was not pledged to support it in any one of its future stages. It was necessary that the bill should be introduced in order that the details of the scheme might be seen and understood.

Mr. *Williams Wynn* was of opinion that such a measure ought only to be introduced upon the responsibility of Government, as it trenched on the prerogative of the Crown.

Lord John Russell signified her Majesty's assent to the measure.

The House divided—Ayes 74; Noes 23; Majority 51.

List of the Ayes.

Adam, Admiral
Aglionby, H. A.
Aglionby, Major
Ainsworth, P.
Baines, E.
Blake, M. J.
Blake, W. J.
Blunt, Sir C.
Bowes, J.
Brocklehurst, J.
Brotherton, J.
Chalmers, P.

Craig, W. G.
Curry, W.
Dalrymple, Sir A.
Divett, E.
Dowdeswell, W.
Duckworth, S.
Easthope, J.
Elliot, hon. J. E.
Evans, Sir De L.
Evans, G.
Evans, W.
Finch, F.
Grey, Sir G.
Grimston Viscount
Hawes, B.
Hawkes, T.
Hayter, W. G.
Hoskins, K.
Howard, P. H.
Howard, R.
Hughes, W. B.
Hume, J.
Hutt, W.
Marshall, W.
Maule, W. H.
Melgund, Viscount
Morris, D.
O'Brien, W. S.
O'Connell, M. J.
Packe, C. W.
Palmer, C. F.
Palmer, G.
Palmerston, Viscount
Parker, J.
Pease, J.
Pechell, Captain
Perceval, Colonel
Ponsonby, C. F. A. C.
Roche, W.
Round, C. G.
Rushbrooke, Colonel
Russell, Lord J.
Russell, Lord
Scholefield, J.
Seymour, Lord
Sinclair, Sir G.
Smith, B.
Stansfield, W. R. C.
Staunton, Sir G. T.
Stuart, Lord J.
Strutt, E.
Thomson, rt. hn. C. P.
Thornely, T.
Vere, Sir C. B.
Vigors, N. A.
Vivian, J. H.
Wallace, R.
Ward, H. G.
White, L.
Williams, W.
Wilshere, W.
Yates, J. A.

TELLERS.

Baring, F.
Villiers, C. P.

List of the Noes.

Alsager, Captain
Ashley, Lord
Blair, J.
Buller, Sir J. Y.
Darby, G.
Douglas, Sir C. E.
Estcourt, T.
Grimsditch, T.
Hindley, C.
Kemble, H.
Lefroy, right hon. T.
Lincoln, Earl of
Litton, E.
Lockhart, A. M.
Plumptre, J. P.
Pringle, A.
Shaw, right hon. F.
Sheppard, T.
Sturt, H. C.
Williams, R.
Wood, T.
Wynn, rt. hon. C. W.
Young, J.

TELLERS.

Inglis, Sir R. H.
Wood, Colonel

HOUSE OF COMMONS,

Wednesday, June 6, 1838.

Minutes.] Petitions presented. By Mr. Halford, from Leicester, against certain parts of the New Poor-law.—By Lord G. Bentinck, from King's Lynn, against the Pilotage Bill.—By Mr. Sergeant Jackson, from different parts of Ireland, against the system of National Education.—By Mr. Greene, from Lancaster, and by Mr. Baines, from Leeds, for an uniform rate of Postage.—By Sir G. Strickland, and Mr. W. Miles, several, for the total Abolition of Slavery.—By Mr. Hume, from Paisley, St. Andrew's, and Cupar, against the exclusive privilege of Printing Bibles enjoyed by the Queen's Printer in Scotland.—By Colonel Perceval, from Sligo, against certain provisions of the Apothecaries Bill.

Canterbury Fanatics.] Sir *E. Knatchbull* said, that the House would, perhaps, permit him to call the attention of the noble Lord, the Secretary for the Home Department, to certain misrepresentations which had been made relative to the recent unfortunate and melancholy proceedings near Canterbury. He felt it his duty to move for the production of certain papers, having reference to the late fatal proceedings in a part of a county which had done him the honour of electing him for its Representative in that House. It was impossible for him to refer to those proceedings, without expressing feelings of the deepest sorrow at the lamentable loss of life which had been caused. When the reports of those proceedings first reached the House, his hon. Colleague had felt it his duty to ask the noble Lord opposite for some explanation, and the reply of the noble Lord, which was frank and fair, had, he thought, been greatly misrepresented, and had been much misunderstood. The hon. Baronet quoted a passage from *The Morning Chronicle* newspaper, reflecting on the Kent magistrates for allowing Thom to be taken away by a stranger. Now, the House, the right hon. Baronet said, would see that the passage he had quoted conveyed a strong charge against the visiting magistrates, as well as the superintendent of the lunatic asylum, and he was sure the noble Lord would feel it his duty to set the matter right. The only way this could be done was by the production of the documents relating to the liberation of John Nicholls Thom. If the noble Lord had no objection, therefore, he would move for a copy of the order for the commitment of John N. Thom, and for copies of any correspondence with the Home-office in reference to the discharge of that individual, and of the order from the Home-office authorizing his discharge from the lunatic asylum. Painful as the duty was to all parties concerned in the lamentable proceedings to which he had alluded, both magistrates and officers had done their duty in a way the most creditable to themselves, and he did not think that there was any feeling to the contrary in the district where the riots had taken place.

Lord *John Russell:* I can only express, as the right hon. Baronet opposite has done, my very deep regret for the occurrence which has taken place. The right hon. Baronet is, I think, quite justified in asking for an explanation, in consequence of the statements which have been made, grounded on inferences which have been drawn from what I said in reference to this person, John Nicholls Thom. I am ready to say, that I did not state anything in this House which was intended to convey, or which would convey, any charge against the visiting magistrates, or against the directors of the lunatic asylum, because the fact is, that in consequence of the statements which I received, I thought it right to recommend, that a pardon should be granted in the case of the prisoner; and, that being the case, it was not in the power of the visiting magistrates, or of the directors of the lunatic asylum, to require that any terms besides those attached to the petition addressed to me, should be complied with. The first representation which was made to me on the subject was made by the father of Thom, who came to me with his wife, for they described themselves as the father and mother of the prisoner, and who were recommended to me by two hon. Members of this House, one of whom spoke on this subject the other night in the course of the debate—the Master-General of the Ordnance—and who vouched for their respectability. The father made various statements to me with respect to the actual state of his son, and said, that he was perfectly well assured, that if he were permitted to take care of him, instead of his being kept any longer in confinement, he should be able to prevent any further mischief being done by him. I stated to him, that it was not because his son might be perfectly harmless then, and that there were then no symptoms of violence in his demeanour and conduct, that there might not be a paroxysm which might render him dangerous to others, and, therefore, I could not agree to the proposal unless he would engage that there was a proper person who should be near him, so as to be able to prevent any violence being committed by him. He gave me that assurance, and afterwards he made a statement in writing, to the effect which I have stated. I think it right to lay these circumstances before the House, because they occurred in a private conversation which I had with the individual to whom I have referred, and because, therefore, they would not be embodied in the papers for which the right hon. Baronet has moved. Now, I will beg leave to refer to a statement alleged to have been made by a noble Lord connected with the county of Kent, that certain magistrates of the county had made representations to me against the liberation of John Nicholls Thom. Now, if such had been made, I must declare my ignorance of the fact, that any representations were addressed to me, or that even any opinion of the kind suggested was entertained; and, on the contrary, I should rather infer, from their not making any statements to me while this matter was under consideration, that there was not any immediate apprehension with respect to the condition of the prisoner. However, there can be no fault attached to the visiting magistrates, or to the directors of the lunatic asylum, for they had no discretion in the matter, because it rested on me, and not on them. From all the statements which I have heard, I doubt not, however, that they acted as soon as possible for men in their situation. I received this morning some letters from Dr. Poore, containing a relation of all the occurrences that took place, and it appears, that he only heard of it on Tuesday, the 29th of May, and his conduct has been regulated by a wish to prevent any mischief, and has been characterised by the greatest promptness and decision. I will only move now that these letters may be laid on the table of the House, in addition to the papers to which the motion of the right hon. Baronet has reference.

Mr. *Hume* could not but express extreme surprise at the ignorance which existed in a portion of this United Kingdom. Had he been told, that such a state of things existed in Kilkenny, or any other part of Ireland, he should have supposed that such an allegation might be likely to be true; but he had reason to believe, that ignorance did not exist in that country to the extent described in the accounts which had been received from Canterbury, within fifty miles of this great metropolis, and where the people were surrounded by country gentlemen of importance and of great wealth, and where there was a large body of clergy. He would ask the noble Lord, therefore, whether this occurrence did not prove, that although there was a church called the people's church, it was a church paid little attention to by the people. [" *Question!*"] This was the question.

Sir *E. Knatchbull*, interrupting the hon.

Member, said, he was sure that the hon. Member would see the effect of such expressions. He was aware of the strong feeling which must necessarily exist at the present moment in the county of Kent, and he must be aware, therefore, of the danger of using such arguments. There was a question still in suspense in reference to the liberty of some of the men connected with this unfortunate transaction, and he put it to the hon. Member, therefore, whether it would not be better to postpone, at least, any observations which he might desire to make.

Mr. *Hume* did not wish to mention the name of any individual. It was to the general system which existed to which he desired to refer, and it was only when an occurrence of this kind took place that it was possible to attract the attention of this House to the most important subject. He, therefore, alluded to the subject, because he thought that it was only on such an occasion as this, lamentable as it was, that sufficient attention could be aroused to the absolute necessity of a comprehensive system of education for the people; for he attributed the whole of what had taken place to the state of brutal ignorance in which they were left. He must say, that he regretted to see a clergyman of the Church of England taking the field; and he thought it would be better for the tranquillity of the country if the names of clergymen were entirely left out of the commission of the peace. He asked the noble Lord, therefore, whether he did not think the facts elicited here, did not press upon him, and upon the House, the necessity of adopting some measure for the purpose of securing the education of the people. There was great readiness exhibited by hon. Gentlemen opposite to put down all observations upon the conduct of clergymen. Clergymen were public servants, and were paid by the public, and their conduct was fairly open to observation.

Mr. *Williams Wynn* felt it to be excessively improper to drag in on a discussion of this sort, an irrelevant allusion to the clergymen of the Church of England, who, he must say, as a body, had the highest claims on the respect of every man in that House and of the country. The hon. Member said, that these melancholy occurrences were to be attributed to their neglect, and to the want of education of the people by them, and he should be sorry to advance any argument in favour of the course taken by the infatuated rioters; but he must say, that the same infatuation existed in the cases of Richard Brothers and Johanna Southcote, and that that infatuation did not exist among the lower orders of persons, but among those of the highest attainments and of excellent education. The best education was no safeguard against the delusive influence of fanaticism.

Motion agreed to.

County-Rates.] Mr. *Hume* moved the second reading of the County-rates Bill. According to the present system, those who regulated the rates were appointed by those unconnected with the property which was rated, while those who paid, had no check on the administration of the funds. It was time to put an end to this system. It was his opinion, that the county boards ought to be appointed by the rate-payers. Great abuses had taken place in the administration of county-funds, and those abuses the House ought to correct. An irresponsible body taxed 11,000,000 of people to the amount of 700,000*l.* or 800,000*l.* a-year. The principle established by the bill was, that representation should be connected with taxation. The hon. Member concluded by moving the second reading of the bill.

Colonel Sibthorp moved the second reading of the bill that day six months.

Mr. *R. Palmer* felt bound to oppose the second reading of this bill, which would take away from the county magistracy all control over the county-rates. The magistrates, through themselves or their tenants, paid a very large portion of the county-rates, and where, he should like to know, could they find a body of men who, on the score of interest, would pay a greater attention to the expenditure of the county-rates than the magistrates, by wh m the principal portion was contributed? He must also add that he had heard no general complaint on the part of the rate-payers against the present system; and from the county with which he was more particularly connected (Berkshire) there had been no complaint whatever.

Mr. *Ingham* did not consider that there was any evil whatsoever in the present system to justify the alteration proposed. Only one petition had been presented this year in favour of this bill, and as it had been now two years before Parliament, if the evils described by the hon. Member for Kilkenny really existed, there would have been a great, if not a general feeling throughout the country on the subject.

Mr. *Brotherton* supported the bill, because he was anxious to see representation go hand in hand with taxation. The magistrates were eligible under the present bill, and if they discharged their duty to the satisfaction of the rate-payers there was no doubt but they would be again elected, and would preserve the influence which they now possessed? There was a general feeling throughout the country that whenever there was an appointment to be made or an office to be disposed of, the county magistrates attended in great numbers, but they left the management of the county-rates in the hands of a select few.

Mr. *C. P. Villiers* concurred in the concluding observation of the hon. Member for Salford, and could state on the authority of the chairman of the Quarter Sessions of Warwick, after an experience of seventeen years, that this was the invariable practice pursued of the other magistrates. In his opinion, the present measure would be extremely useful, inasmuch as it imposed a responsibility on those who were to have the control of the county-rates. At present the magistrates were wholly irresponsible. There was even no means of testing the fitness of the magistracy to discharge their duties. The only qualification required for the appointment was 100*l.* a-year in land and the friendship of the Lord-Lieutenant. It was not necessary that a magistrate should have ever looked into a law-book, or have heard a case tried; no proof of his fitness to the office was required, and yet this was a class of men to whom was intrusted the whole control and direction of the county-rates.

The *Solicitor-General* concurred with the hon. Member for Kilkenny, that it would be extremely desirable that there should be some sort of check imposed, more effectual than the present one, upon the expenditure of the county-rates, because he thought it would afford greater satisfaction to the people. But though he felt this, he felt, at the same time, bound to oppose this bill, because, looking at the bill as a practical man, he saw that the machinery of it created eleven thousand parochial officers and eleven hundred other officers. He must also say, that the additional responsibility which this bill imposed, would not be compensated by the increased expense. Another reason for not supporting this bill was this, that the magistrates at present had not the power *ad libitum* of assessing the rate-payers. The Legislature had provided, that for certain purposes a rate should be made, and to those purposes the magistrates must apply the rate, so that there was a very strict limit upon abuses. On these grounds he felt bound to oppose the bill.

Mr. *Darby* said, that magistrates were already responsible to public opinion, and under public control. Their object was, to keep down the county-rates, and they were more generally complained of for parsimony than lavish expenditure. He supported the amendment.

Mr. *Cayley* said, that magistrates were virtually responsible, because their property was directly involved. Whilst he admitted the principle that taxation and representation should go together, he was not prepared to carry it out in the cumbrous manner proposed by the present bill.

Mr. *Hume* replied.

Lord *J. Russell* begged to state, that in voting, as he should do, against the second reading of this bill, he did not intend to vote against the principle that some alteration should be made in the present system. He thought, that in a matter involving the expenditure of so much money, there should be some more appropriate and, he must say, some more popular mode of administration.

The House divided on the original motion:—Ayes 37; Noes 105: Majority 68

List of the Ayes.

Aglionby, H. A.
Baines, E.
Beamish, F. B.
Bewes, T.
Bridgeman, H.
Brotherton, J.
Craig, W. G.
Curry, W.
Duckworh S.
Duke, Sir J.
Evans, W.
Grote, G.
Handley, H.
Hawes, B.
Hawkins, J. H.
Hector, C. J.
Hobhouse, T. B.
Hutton, R.
Jervis, S.
Lynch, A. H.
Morris, D.
Muskett, G. A.
O'Brien, W. S.
O'Connell, J.
Parrott, J.
Pease, J.
Phillips, M.
Smith, B.
Strutt, E.
Style, Sir C.
Thornely, T.
Vigors, N. A,

Warburton, H.
Ward, H. G.
Williams, W.
Williams, W. A.
Yates, J. A.

TELLERS.

Hume, J.
Villiers, G.

List of the Noes.

Acland, T. D.
A'Court, Captain
Alsager, Captain
Alston, R.
Attwood, M.
Bagge, W.
Bailey, J., junior
Baker, E.
Barneby, J.
Barrington, Viscount
Bell, M.
Bentinck, Lord G.
Bethell, R.
Blair, J.
Bramston, T. W.
Broadley, H.
Burrell, Sir C.
Burroughes, H. N.
Cayley, E. S.
Chetwynd, Major
Chute, W. L. W.
Codrington, C. W.
Courtenay, P.
Crewe, Sir C.
Darby, G.
Darlington, Earl of
D'Israeli, B.
Dottin, A. R.
Douglas, Sir C. E.
Dowdeswell, W.
Duffield, T.
Dugdale, W. S.
Duncombe, W.
Eastnor, Lord
Egerton, W. T.
Ellis, J.
Fergusson, R. C.
Filmer, Sir E.
Fleming, J.
Fremantle, Sir T.
Gibson, T.
Glynne, Sir S. R.
Goddard, A.
Graham, Sir J.
Grimsditch, T.
Hale, R. B.
Halford, H.
Harcourt, G. G.
Harcourt, G. S.
Heathcoate, Sir W.
Henniker, Lord
Hepburn, Sir T. B.
Herbert, hon S.
Hinde, J. H.
Hodgson, R.
Hogg, J. W.
Holmes, W. A'C.
Hope, G. W.
Hotham, Lord
Houldsworth, T.
Howard, P. H.
Ingham, R.
Jackson, Sergeant
Knatchbull, Sir E.
Lefevre, C. S.
Lowther, J. H.
Lygon, General
Mackenzie, W. F.
Mahon, Lord
Marton, G.
Miles, W.
Milnes, R. M.
Moreton, hon. A. H.
Morgan, C. M. R.
Nicholl, J.
Ossulston, Lord
Packe, C. W.
Pakington, J. S.
Palmer, R.
Parker, M.
Parker, R. T.
Patten, J. W.
Plumptre, J. P.
Pollock, Sir F.
Praed, W. M.
Praed, W. T.
Pringle, A.
Richards, R.
Rolfe, Sir R. M.
Rolleston, L.
Round, J.
Rushbrooke, Colonel
Russell, Lord J.
Talfourd, Mr Serg.
Thornhill, G.
Trevor, hon. G. R.
Vere, Sir C. B.
Vivian, J. E.
Waddington, H. S.
Wilbraham, hon. B.
Wilshere, W.
Wood, Col. T.
Wood, T.
Worsley, Lord
Wynn, rt. hon. C. W.

TELLERS.

Dungannon, Visct.
Sibthorp, Col.

Bill put off for six months.

Expenses at Elections Bill]. The House went into Committee on the Expenses at Elections Bill.

On the question, that the bill be considered paragraph by paragraph,

Colonel *Sibthorp* moved, that the Chairman report progress and ask leave to sit again.

Mr. *Hume* contended, that they should consider the bill in order to remedy any defects it might present. It would be unfair to reject the bill because hon. Members objected to some parts of it. If the House was averse to throw on the counties and boroughs any of the expenses, they might alter the clauses, and let the burden still remain on the candidates, but they need not throw out the bill and prevent the carrying out of the other provision.

The House divided, on the question to report progress:—Ayes 71; Noes 43: Majority 28.

List of the Ayes.

Acland, T. D.
A'Court, Captain
Attwood, M.
Bagge, W.
Barneby, J.
Bentinck, Lord G.
Blair, J.
Bramston, T. W.
Burrell, Sir C.
Burroughes, H. N.
Codrington, C. W.
Darby, G.
arlington, Earl of
Douglas, Sir C. E.
Dowdeswell, W.
Duffield, T.
Duncombe, hon. W.
Duncombe, hon. A.
Dungannon, Viscount
Egerton, W. T.
Ellis, J.
Filmer, Sir E.
Forester, hon. G.
Fremantle, Sir T.
Goddard, A.
Graham, Sir J.
Grimsditch, T.
Grimston, Viscount
Hale, R. B.
Harcourt, G. G.
Hawkes, T.
Heathcote, Sir W.
Henniker, Lord
Hepburn, Sir T.
Hinde, J. H.
Hogg, J. W.
Hope, G. W.
Houldsworth, T.
Hughes W. B.
Inglis, Sir R. H.
Jackson, Mr. Serg.
Lowther, J. H.
Lygon, hon. General
Mackenzie, W. F.
Mahon, Viscount
Miles, W.
Miles, P. W. S,
Milnes, R. M.
Morgan, C. M. R.
Nicholl, J.
Pakington, J. S.
Parker, M.
Parker, R. T.
Pollock, Sir F.
Praed, W. T.
Praed, W. M.
Richards, R.
Rickford, W.
Round, C. G.
Round, J.
Rushbrooke, Colonel
Shirley, E. J.
Trevor, hon. G. R.
Vere, Sir C. B.
Vivian, J. E.
Waddington, H. S.
Walsh, Sir J.
Wilbraham, hon. B.
Williams, R.
Wood, Colonel T.
Wood, T.

TELLERS.

Knatchbull, Sir E.
Sibthorp, Colonel

List of the Noes.

Baines, E.
Beamish, F. B.
Bewes, T.
Bridgeman, H.
Briscoe, J. I.
Brotherton, J.
Craig, W. G.
Curry, W.

Duckworth, S.
Duke, Sir J.
Ellice, Captain A.
Evans, W.
Grote, G.
Handley, H.
Hawes, B.
Hawkins, J. H.
Hector, C. J.
Hindley, C.
Hobhouse, T. B.
Howard, P. H.
Hutton, R.
Jervis, S.
Lefevre, C. S.
Lynch, A. H.
Moreton, hon. A. H.
Muskett, G. A.
O'Brien, W. S.
O'Connell, J.
Palmer, C. F.
Parrott, J.
Russell, Lord J.
Smith, B.
Strickland, Sir G.
Strutt, E.
Talfourd, Sergeant
Thornely, T.
Vigors, N. A.
Warburton, H.
Williams, W.
Williams, W. A.
Wilshere, W.
Worsley, Lord
Yates, J. A.

TELLERS.

Hume, J.
Jervis, J.

House resumed.

Copyright.] Mr. Sergeant *Talfourd* moved, that the House should resolve itself into Committee.

Mr. *Warburton* believed, that the hon. and learned mover of the bill had some alterations to propose, and he would therefore ask him whether he had any objection to go into Committee *pro formâ*, that the alterations might be printed, and that the House might have a better opportunity of considering them?

The *Attorney-General* cordially joined in the recommendation of his hon. Friend the Member for Bridport. As the bill stood, there were many difficulties, especially with regard to encyclopædias. Mr. Black, an eminent bookseller of Edinburgh, well known to the Speaker, informed him that as one of the clauses was worded, he would suffer much pecuniary damage. Many of the articles were entirely new, and if at the expiration of the twenty years, those articles might be claimed by the authors or their heirs, the whole Encyclopædia would fall to pieces. His hon. and learned Friend was willing to alter the bill so as to remove this objection; but there were other clauses which also required correction, and he hoped, that his learned Friend would agree to the proposal which had been made, and which would promote the ultimate success of the bill.

Mr. Sergeant *Talfourd* was not opposed to take the course which seemed to meet the wishes of the House; but he thought, that it would be most convenient for him then to state the chief alterations which he would make, because he believed, that they were simple, and they would serve to tranquillize the apprehensions of some respectable persons as to the bill. The chief objection of the publishers was, to the clause improperly termed the retrospective clause. He had never consented to that term, nor was it correct, because the bill sought only to secure to authors of the highest merit the advantage of their own labours, and that those copyrights which were now existing, should not be subject to the injustice of the present system. He had, therefore, proposed that the existing term of copyright should be extended, and that the authors should retain that additional copyright in their works, and that when the present copyright had been assigned, the publishers should be content with that interest for which they had bargained and paid, for it was not the publisher, but the author, to whom the extended term ought to be given. To the justice of that principle he still adhered, but he had received from most respectable parties and eminent publishers so many complaints of practical inconveniences resulting from granting an extended term to authors who had assigned their whole interest, that, after considering many expedients, and having tried in vain to find a provision by which justice might be done to these gentlemen, he had determined to propose, that the clause should take effect only where the author had reserved the whole or part of the interest in the copyright, and that where the author had absolutely parted with his interest the term should cease. He had reason to believe, that this alteration would be perfectly satisfactory to the gentlemen to whom he had referred, and that in accepting this concession they had gained nothing for themselves—that they wished for no boon: and he was bound to say, that during the opposition which they had given to the bill he had personally received the greatest courtesy, and that they had exhibited the most enlarged views of the interests of literature and of authors. He was quite willing to defer to the sense of the House.

Mr. *Hume* consented that the alterations should be made, and that the bill with its amendments should be printed; but he would vote against the bill in every stage, for whilst it would only do good to one in 500, it would do great injustice to the other 499.

Sir *Edward Sugden* would not stop the arrangement, but the hon. Member for

Kilkenny was not more opposed to the principle of the bill, than he (Sir Edward Sugden) was, and he intended to resist its progress in every future stage. He was one of those who thought that there was no common-law-copyright in the author beyond the manuscript when it was written, or whilst it remained in his own possession. He had come to this determination after much consideration, and he thought that the case was clearly distinguishable from a patent right. He would oppose the bill as long as he could, because he believed that it ought not to be passed; but, if it were passed, he would, as he had ever done, bow with respect to the opinion of the majority, and endeavour to make the bill as serviceable as possible to the public. If the bill should meet with the support of a majority of the House, he would then propose his amendments, one of which was to cut down the term of sixty years to a term of forty years, not, however, that he at all approved of as long a term as forty years, for he would only give a term of seven years beyond the death of the author; he would allow an original term of twenty-eight years, as the author now had; and if he should survive, then an extended term for his whole life. There was, however, this difficulty: if the author should live long, and his books should be in demand, he might provide for his family; but in case he should die early, this might be frustrated. He would, therefore, give an ab-absolute term of seven years after the author's death, which would be sufficient to enable the family to send forth a perfect edition of his works, and thus to make a provision for them. He did not quite understand whether his learned Friend meant that the extended term should, under all circumstances, revert to the representatives of the author, and that he should not have power to dispose of it. He agreed that the publishers ought not to complain if they obtained all that they purchased; but why should not the same terms be extended to poor authors, to whom it would be of greater benefit, as were given to those who were rich enough to retain their copyright in their own hands. He represented neither authors, nor printers, nor publishers; he stood there to do his duty only as a Member of Parliament, and he trusted that he should on some future occasion be able to state grounds which would satisfy the House that the bill ought not to be allowed to proceed.

Sir *R. Inglis* complained of his learned Friend for tempting the House into a general discussion upon this bill; and as his learned Friend had stated his unqualified opposition to the bill, so he would say that he had been and still was its unqualified supporter.

Lord *John Russell* had no objection to the course suggested by his learned Friend, but he confessed that he viewed with no small degree of apprehension any legislation upon this subject. It was not, however, on account of the publishers that he entertained any apprehension. He had seen some persons concerned in the most eminent publishing houses, and he thought that what had been stated by them with respect to the bill was only just and reasonable, and the hon. and learned Gentleman would adopt what was just and reasonable. He did feel apprehensive, however, that when the expectations of the authors and of the publishers were satisfied, there would be no small neglect of the interests of the public. With regard to the interests of authors, the learned Gentleman was ready to concede that those who had bought the general interest of the author in the copyright, ought to enjoy the whole right, and he knew one author of no inconsiderable merit, who, having parted with the whole of his copyright, thought that he had no right by act of Parliament to resume what he had sold. Then again with regard to the interests of the publishers, the learned Gentleman would doubtless take care there should be a distinction between future works and those in which the publishers had already acquired an interest. Still he saw great danger in interfering with a law by which, though incomplete, the interests of authors, of publishers, and of the public, had been adjusted. There did seem to him some danger, that the new law might make provisions by which, in the end, the public, who were not sharp-sighted in such matters, might find that great damage was done not only to their own interests, but to the general interests of literature, and the progress of information and knowledge. It was proposed to give an author a property in his work for a longer time, and then to leave it for a certain time to his heirs and executors. The right hon. and learned Gentleman had pointed out several objections to that; but there was one which had not been as yet mentioned. It was to be considered, that the question of copyright was not a mere question of property, but one in which opinions might be concerned. The heirs of an author might entertain opinions, political or religious, opposed to those maintained in his work, and might, in consequence, think it advisable that the work should be suppressed, and in the result, the public would be deprived of the work altogether. He would suppose the case of the prose works of Milton coming into the hands of a person who differed with the writer's opinions respecting the royal cause during the civil war. Would any man contend, that the public would not have had great and just cause for complaint, had they been suppressed in consequence of such a circumstance? There were other difficulties in the way; and he must confess, that he felt considerable alarm on this subject when the hon. Member for the University of Oxford expressed his hope that the bill would be passed into a law in the course of a fortnight. He, on the contrary, said, that this was one of the most important bills which had of late been introduced into Parliament, and that it was a measure demanding the most ample and mature deliberation. He felt, that while those who took one side of the question, espoused the cause of the authors, and those on the other side, took the part of the publishers, that they might produce a measure tending to injure the progress of knowledge; and, therefore, that although it might be beneficial to some authors, it might be injurious to the public and to literature. He certainly thought, looking at the present state of the law, although it might not be difficult to point out cases in which authors of the greatest ability and genius had not been remunerated, that, upon the whole, the interests of the publishers, and of the public, as well as the interests of authors generally, had been fairly attended to. One of the greatest hardships of the present state of things was, that when the author was poor and obliged to sell the copyright of his works for a small sum, it might happen, that while he disposed of his works for *5l.* or *10l.*, his bookseller might be gaining thousands, for years in succession. That was a state of things unfair alike to the author and to the public, and it had always appeared to him that such cases were those of the greatest hardship. He did not know, whether some provision might not be introduced into the bill applicable to such cases, and he had only alluded to those cases for the purpose of drawing the attention of the hon. and learned Member to the subject, and with a view of impressing on the learned Gentleman the importance of not proceeding to legislate in haste in regard to copyright.

Mr. *Praed* said, it must occur to the House as rather unfortunate, that although there had been two long discussions on this bill, the noble Lord had not before taken an opportunity to express his sentiments on the subject, and that he should now declare himself hostile even to the principle of the measure. The noble Lord argued, that the representatives of an author might entertain different opinions from the author, and refuse, after his death, to reprint his works; and he contended, that the public would suffer in consequence. That was, however, a wide-drawn assumption, and the case which the noble Lord had supposed was not likely ever actually to occur. He would take the case of Milton, which the noble Lord had mentioned, and he would ask whether it would have been possible for the representatives of Milton, his works having once been published, to resist the demands of the public? The thing was impossible. But it was possible that the works of an author might be of a mischievous tendency, and that the copyright might fall into the hands of a man anxious to prevent the corruption of the public morals, and who consequently declined their republication. In this case, a positive benefit would result to the public, so that the evil which the noble Lord feared would be counterbalanced by the advantage which would result from the provisions of the bill. If the noble Lord looked at the bill, however, he would find a provision for the case to which he had alluded, and by which books in the hands of the representatives of authors, would be forced into circulation.

Mr. *Baines* quite agreed with the noble Lord in thinking, that in the drawing up of the bill, sufficient attention had not been paid to the interests of the public. For his part, he was perfectly convinced that there never was a bill introduced into Parliament so fraught with mischief to the public interest, as the bill now before the House. He had property in the nature of copyright, and he had some experience in that description of property; and if he were to consult but his own interests, he should be favourable to the bill. He, however, so strongly felt the objections which might be urged against it, in regard to its effect upon the interests of the public, that he felt it to be his duty to give it every opposition in his power.

Lord *Dungannon* thought great praise was due to the learned Sergeant for his efforts to throw some light upon the subject of copyright, and sincerely hoped those efforts might be crowned with success.

Mr. Sergeant *Talfourd* confessed he had not expected that the noble Lord, after allowing the principle of the measure to be discussed two Sessions, should only then, at the eleventh hour, awake from his apathy to object to its propositions. He should not then attempt to answer the noble Lord's observations, but on that day fortnight he should hope to proceed with the Committee, and then he should certainly endeavour to reply to them.

Bill committed *pro formâ*. Committee to sit again.

MARRIED WOMEN'S BILL.] Mr. *Lynch* moved the second reading of the Married Women's Bill.

Sir *E. Sugden* moved, that it be read a second time that day three months.

The House divided on the original motion:—Ayes 21; Noes 56: Majority 35.

List of the AYES.

Aglionby, H. A.
Campbell, Sir J.
Davies, Colonel
Gibson, T.
Hawes, B.
Howard, P. H.
Hume, J.
Hutt, W.
Hutton, R.
Morris, D.
Palmer, C. F.
Power, J.
Round, C. G.
Smith, B.
Tancred, H. W.
Thornley, T.
Vigors, N. A.
Villiers, C. P.
Wallace, R.
Williams, W.
Williams, W. A.

TELLERS.

Beamish, F. B.
Lynch A. H.

List of the NOES.

A'Court, Captain
Archdall, M.
Baines, E.
Barneby, J.
Bentinck, Lord G.
Bethell, R.
Blackburne, I.
Blackstone, W. S.
Blair, J.
Bramston, T. W.
Broadley, H.
Brotherton, J.
Burroughes, H. N.
Canning, rt. hn. Sir S.
Courtenay, P.
Cripps, J.
Dowdeswell, W.
Dungannon, Viscount
Eaton, R. J.
Egerton, W. T.
Filmer, Sir E.
Fremantle, Sir T.
Graham, rt. hn. Sir J.
Grimsditch, T.
Hawkes, T.
Heathcote, Sir W.
Hepburn, Sir T. B.
Hobhouse, T. B.
Holmes, W.
Hope, H. T.
Hughes, W. B.
Jackson, Mr. Serg.
Jervis, J.
Lockhart, A. M.
Lowther, J. H.
Mackenzie, T.
Mahon, Viscount
Miles, W.
Miles, P. W. S.
Morgan, C. M. R.
Pakington, J. S.
Pease, J.
Perceval, Colonel
Pigot, R.
Pinney, W.
Plumptre, J. P.
Rose, right hn. Sir G.
Rushbrooke, Colonel
Rushout, G.
Sibthorp, Colonel
Sinclair, Sir G.
Smith, hon. R.
Strickland, Sir G.
Waddington, H. S.
Wood, Colonel T.
Wood, T.

TELLERS

Inglis, Sir R. H.
Sugden, Sir E.

Bill put off for three months.

HIGH SHERIFFS.] Colonel *Davies* moved the second reading of the High Sheriffs' Bill.

The *Attorney-General* rose to move an Amendment. One of the clauses forbad the sheriff to go out to meet the judges, and prescribed that he should meet them at their lodgings. Now, he was attached to the present escort, inasmuch as it was an old custom, and one which was at least harmless; and was, in the opinion of Mr. Justice Blackstone, calculated to inspire a due respect towards the representative of her Majesty. He felt bound, therefore, not seeing the utility of the measure, to move that the bill should be read a second time that day three months.

Colonel *Davies*, feeling the sense of the House to be against him, would not press the measure.

Amendment agreed to.

HOUSE OF LORDS,

Thursday, June 7, 1838.

MINUTES.] Petitions presented. By Lord ASHBURTON, from Glasgow, Carlisle, Cupar, Leith, and other places, in favour of a reduction of Postage.—By the Earl of WICKLOW, from the parish of Raphoe, against the present system of National Education.—By the Archbishop of CASHEL, several, from Cavan, and other places in Ireland, against the Irish Poor-law Bill.—By the Archbishop of CANTERBURY, from the Clergy of the Diocese of Bath and Wells, against the Education Bill.—By the Earl of GLENGALL, from Clonmel, for the improvement of Waste Lands in Ireland.—By Lord HATHERTON, from the Utoxeter Union, against any alteration of the New Poor-law.—By the Bishop of LONDON, from the Presbytery of Newcastle-upon-Tyne, for the better Observance of the Sabbath; from Worcester, for some Inquiry into the Studies and Discipline of the College of Maynooth; nineteen, from different places, for the Immediate Abolition of Negro Apprenticeship.—By the Marquess of DOWNSHIRE, from the Grand Jury of the city of Dublin, against the Irish Poor-law Bill.—By the Duke of CLEVELAND, from Darlington, and several other places, and by Lord SEGRAVE, two, for the Immediate Abolition of Negro Apprenticeship.

CANTERBURY FANATICS.—LIBERATING LUNATICS.] Lord *Brougham* wished to know whether the noble Viscount had any objection to lay before the House any correspondence that had taken place on the subject of the recent melancholy transactions in Kent, and particularly with reference to the setting at liberty of the principal actor in that occurrence? Until he was convinced of the fact, he could not have believed that any person could have exercised such influence as that individual appeared to have done over a considerable number of persons. It showed, on their part, the grossest and most lamentable ignorance; and it appeared most extraordinary that this man should have been able to impose on persons of sound mind, as they, in all other respects, appeared to have been. He understood that this person was convicted some years ago of gross perjury, and was sentenced to seven years' transportation; but, as he was found to be insane, he was imprisoned in the Kent lunatic asylum, from which, on certain representations being made, he was liberated. He did not understand upon what ground it was, that this power had been exercised in this particular case; because, if the man were of sound mind, and fit to go out of the country, he ought unquestionably to have suffered the punishment awarded to him, and he was not entitled to that lenity which had been extended towards him; but if, on the other hand, he was really insane, then he ought to have been kept in a state of security, as persons proved to be lunatic usually were. The noble and learned Lord moved for copies of the correspondence with the Home Secretary, previous to the remission of the sentence and the liberation of the convict.

Viscount *Melbourne* had no objection whatever to lay on the table of the House the documents called for; on the contrary, he was extremely anxious to lay before their Lordships all the documents connected with that most melancholy transaction. It ought, however, to be borne in mind that the individual to whom, in this instance, mercy had been extended, had never before been guilty of any flagrant crime, although he had committed some extravagant acts.

Lord *Brougham* said, that the individual had represented himself to be the Saviour, and had persuaded his followers not only, that he should rise again, but that they were invulnerable, and it was under that impression they attacked the soldiers. Such a circumstance did no great credit to the supposed information of that portion of the people who could be led away by such a delusion. His impression certainly had been, before this melancholy event took place, that the ignorance of the people was not, in any part of the country, of so gross a character as to lead them to believe such absurd and ridiculous stories. Their conduct could only be accounted for by their gross ignorance, and therefore he hoped he should have the support of the noble Viscount for his motion on the subject of education next week. The reason for liberating this lunatic from confinement was, that he had previously done nothing outrageous or violent; but still his conduct had manifestly been such as required great caution and vigilance. A person supposed to be insane had been prosecuted a considerable time ago, for attempting the life of an individual at the Royal Exchange. That person, he understood, had been set at liberty; and he should wish to know if such was the fact, and on what ground he was liberated?

The Duke of *Wellington* said, that the prerogative of mercy was the last prerogative of the Crown with which Parliament ought to interfere; but the recent practice had been exceedingly loose and improper. Looking to all the circumstances of this case, it was absolutely necessary that it should be strictly inquired into. What he complained of was, that the door had been open to private applications and negotiations upon subjects of this nature. He had no objection to the due and proper consideration of every case; but after the opinion of those who were best qualified to enter into such investigations—he meant the judges of the land—had been once given, Government, he thought, ought to allow the law to take its course, unless the party convicted was recommended to mercy under circumstances that appeared on the trial. Above all, it was most important that this departure from the usual course of law should not be resorted to or carried into execution through the private recommendation of individuals. From what he had heard on this subject, it would appear that a great deal of private application and negotiation had taken place, which ought not to have been permitted.

Viscount *Melbourne* said, that in this case the father of the individual in confinement had undertaken to take charge of him. In the case of the American who had assaulted Mr. Mellish, the merchant, his friends had given security that he should be conveyed to America, and not be suffered to return to this country.

Motion agreed to.

Poor Law (Ireland).] On the order of the day being read for the House to go into Committee on the Poor Relief (Ireland) Bill,

Lord *Fitzgerald* and *Vesey* was anxious, before the House went into Committee, to make two or three observations with respect to various amendments which he had to propose, so that they might be printed, as those of the noble Duke (Wellington) behind him had been. The first amendment which he had to propose had been, in point of fact, disposed of in substance, though not in form, by the decision of the other night as to the limitation of relief and the insertion of the word "poorhouses" instead of "workhouses." It was, that immediately after the first clause another should be inserted giving the power of apprenticing orphans and deserted children. The next had reference to the medical charities of Ireland, the number and extent of which he had stated on a former evening. They were nearly 600 in number, and, in his opinion, it was desirable, that they should be placed under the power of the same persons as those who had the management of the poor. The utmost he proposed, however, was, to lay a foundation for any future legislative measure which might be required on the subject. He believed, that where a compulsory rate was paid by the public, these establishments would be much impeded in their operation; for he apprehended, and he knew, that the apprehension was general, that one of the results of a compulsory rate would be to make many persons withdraw their subscriptions from those institutions. His amendment might be best understood, however, if he read the clause which he wished to insert. The noble Lord read the clause, which was to the effect that strict inquiry should be made by the commissioners as soon as convenient into the extent of the hospitals, with regard both to out-door and in-door relief, and that a report should be made to the Secretary of State as to the number which ought, in their opinion, to be provided for the poor, in addition to the workhouses, and the sums that would be annually required for their support. He had felt, in common with many others, that this bill would require auxiliary means to give it effect. Amongst the most important of these was, in his opinion, the promotion of emigration. He expressed his earnest hope, that Her Majesty's Government would consider this question, because it was obvious, that the assessment which the commissioners were allowed to make on this subject would be totally useless for the purpose. In the clause which he proposed he had been anxious to direct the attention of the commissioners to the importance of the matter. The noble Lord read the clause. It might be said, that these things would naturally become the subject of regulation by the commissioners; but it was not unimportant that where provisions were made for emigration there should also be ingrafted on the bill such regulations as would lay a foundation for future legislation. Then with respect to the 69th clause, he must say, that it appeared to him to be the means of assuring a rating that was not an honest rating. When the manner in which the clause was likely to be worked was fully seen, he thought it would be found to act directly against the objects which the framers of it had had in view. He thought the best amendmemt would be its entire omission. There was another point on which he differed from some of his noble Friends with whom he generally acted. The clause he referred to had been altered in another place and in the original form authority was given to the commissioners to appoint at their discretion, one of their body to reside in Dublin, and to the Government the full power of having one commissioner there for more effectually discharging the duties of the board. The House of Commons had, however, altered it from a permissive to a mandative appointment, making it necessary for the commissioners always to have one of their body resident in Dublin. He was perfectly convinced, that the control of the commissioners ought to be left complete and unfettered, and that no such appointment ought to be made compulsory. He might go too far, but he had always held, and still held, the opinion, that one of the great objects and advantages of the Act of Union had been to assimilate the principles of government, and to centralize the Government itself. Such opinions might perhaps be unpopular, but he must say, that when they were laying the foundation of a great system of polity, he regretted, that a mandatory clause should be introduced, making it necessary to have a sort of separate Government. Every one who had resided in Ireland knew how liable all men who were removed from control, were to be influenced by party feelings. Anxious, therefore, in the administration of this law, that such a consequence should be avoided, he must say, that, under the circumstances, he infinitely preferred a permissive clause, such as that which had been first introduced, to the mandatory one which had been since inserted in the Act. That clause not only gave to the commissioners the power of having one commissioner resident in Dublin, but also of continuing that residence as long as they might consider it necessary, at the same time not holding out a permanent separate administration. He had been anxious to suggest these two points to the consideration of the noble Lord (Melbourne)—viz., the compulsory appointment of a resident commissioner, and the exemption from rating of all tenements under a rental of *5l.* There was a great apprehension as to the number of officers to be created by this measure, and he thought it would be satisfactory, and lessen the unfavourable feeling that existed in Ireland on this question, if the noble Lord (Melbourne) could give any information on the subject. He therefore begged to ask the noble Lord the number of assistant-commissioners, and the amount of their salaries, which it was proposed to have in Ireland; because it was obvious, that in going into Committee, their Lordships would look with jealousy to those parts of the bill which provided any number of paid officers. It would be a serious addition to the necessary rate to have the expense of salaried officers the number of whom had been stated to be between 7,000 and 8,000. He knew the number of applications already had been very great, and he thought he traced in this, the feelings of those in Ireland who were most anxious for the working of the bill.

The Earl of *Wicklow* was opposed to some of the amendments which his noble Friend had referred to, and the first was, giving the control of the dispensaries to the commissioners. If it were adopted, the effect of it would be to establish hospitals for all those of a certain class who ought to be relieved in the workhouse, and would indeed leave the poorhouse for the able-bodied, whilst the hospitals would receive all those who were not in health. It was his intention to propose that there should be two resident commissioners in Ireland, as he did not think that one would be able to perform the duty efficiently.

Viscount *Melbourne* said, that when the amendments of the noble Lord with respect to medical charities and emigration, were brought under the consideration of the Committee, they should receive every attention from him. The noble Lord had also adverted to the 69th clause, in reference to the rating of tenements under *5l.*; but he thought the subject would be much better discussed when that particular clause was before the Committee. The noble Lord wished to make the clause "permissive" relating to the residence of one commissioner in Ireland. He could not agree with the noble Lord on that point. In his opinion it would be necessary to have a local commissioner, in case the measure was passed into a law. It would be impossible, considering the novelty of the measure, to check the great expense the bill would entail upon the country without the superintendence of some local power. He had no apprehension that more officers would be appointed under the provisions of the bill than were absolutely necessary for carrying the measure into effect, but any estimate as yet made could not be depended on.

Their Lordships went into Committee. Various amendments were made. Several of the clauses were agreed to. The Committee to sit again.

HOUSE OF COMMONS,

Thursday, June 7, 1838.

MINUTES.] Petitions presented. By Mr. BAINES, from forty-four Clergymen of Birmingham and its neighbourhood, against Idol Worship in India.—By Sir ROBERT INGLIS, from the Chancellor, Masters, and Scholars of the University of Oxford, to encourage the Church in the provinces of Upper and Lower Canada; from the Royal College of Surgeons in London, against some parts of the Bill for regulating Medical Charities in Ireland; from the Rector and Churchwardens of St. Giles's, for better communication between the northern and southern parts of the Metropolis; from two gentlemen of the name of Humphries, the patentees of an office in Chancery, praying for compensation for the loss of their office by the Benefices Pluralities Bill.—By Mr. P. HOWARD, from Carlisle, for a reduction of Postage.—By the ATTORNEY-GENERAL, from the University of Edinburgh, against certain Clauses of the Irish Medical Charities Bill.

BASQUE PROVINCES.] Lord *Mahon* said, it would be recollected that during the discussions on Spanish affairs, the noble Lord had stated that the privileges of the Basque provinces had no real or substantial existence, and that they would only be found in old documents. Now, he had been informed that circumstances had lately taken place in Madrid which showed that the Spanish Government were far from adopting the theory which the noble Lord had propounded. He was informed, that the Spanish Government was now anxious to retrace its steps by annulling the law by which those privileges were abrogated. He wished, therefore, to ask, whether the accounts received by the noble Lord from Madrid bore out those reports, and whether the Spanish Government would now act upon the true and just policy?

Viscount *Palmerston* did not remember ever having denied the existence of the fueros of the Basques; but he did recollect taunting the noble Lord with the gross inconsistency of supporting the municipal institutions of the Basques, when he would deprive such a country as Ireland of those institutions. So far was he, therefore, from having denied their existence, that he had made it the foundation of a just reproach against the noble Lord. He could not presume to say, what were the intentions of the Spanish Government in this matter, but he believed that it was at all times willing to continue to the Basques such local institutions as were compatible with the new constitution, and to confirm and sanction them. He had no reason to believe that the Spanish Government intended to make any alteration as to this point; whilst, on the other hand, he believed that there was a strong and growing feeling in the Basque provinces against the tyranny and oppression of Don Carlos; that this discontent had exhibited itself to such a degree, that the leaders and generals of Don Carlos had been by him arrested and thrown into prison; that the greatest disunion prevailed among the troops of Don Carlos, and that a state of insurrection existed in some parts of the provinces. So far, therefore, as the difficulties and discontent with Don Carlos, and the conciliatory disposition of the Queen's Government could afford a prospect of better times, he congratulated the noble Lord on the prospect there.

AFFAIRS OF TUNIS.] Sir *S. Canning* wished to put a question to the noble Lord on a subject of much importance. A statement had been made in one of the distinguished morning papers a few days ago, on the faith of a letter from Toulouse, that letters had been received from the French Government, directing their admiral on the coast of Algiers to remain off Tunis, and intercept the Turkish fleet, to prevent the Captain Pacha from landing any supply of men for the use of the Bey of Tunis. The question, then, which he wished to ask was, whether the noble Lord was aware of any orders issued by the French Government, which would give any probability of approaching hostilities between them and the Government of Tunis?

Viscount *Palmerston* had received no information upon the subject; and having asked the chargé d'affaires of France at this Court if he knew anything of the matter, he said that he had no information. At the same time, he did not believe, that there was any foundation for the report. Her Majesty's Government had received the most distinct assurances from the French Government that it had no intention of taking hostile proceedings against the territory of Tunis. He (Viscount Palmerston) thought, that the report must have originated from circumstances which took place last year, and that this was only the revival of a by-gone report.

ROYAL MANORS IN WALES.] Mr. *J. Ormsby Gore* rose to move for the appointment of a Select Committee to inquire into subjects contained in the petition of the landowners and others connected with the principality of Wales, presented the 10th of May last, and praying for an inquiry into the proceedings of the agents of the Crown, affecting the petitioners. The subject was one of vast importance, and had been twice discussed in that House. The first time it had been discussed was in the reign of a monarch to whom the country owed so much—William 3rd, who wished as a mark of his favour for the loyalty and zeal of one of his followers, the Earl of Portland, to bestow on him the grant of the Crown property in the principality of Wales. On that occasion the House of Commons took up the question warmly, and petitioned his Majesty that the grant should not be made. At that time it was stated by Baron Price, that the rights were so undefined, that the grant would produce a collision between the interests and privileges of the Crown, and the rights and privileges of individual subjects of the Crown. The last occasion when this matter was discussed was analogous to the present. It occurred in the reign of George 3rd, in the year 1779, when a commission was issued, sending a gentleman on a roving commission, to try what could be done or extorted from the inhabitants of the principality to enhance the value of the emoluments arising from that part of the country. In the case of the knight errant, a specific salary was paid, but in the case he was about to bring before the House, a per centage on the Crown rents and other exactions inflicted on the principality, was allowed to the agents of the Crown. Now, the appointment of Probert was analogous to the present case, because now a gentleman had been appointed under the direction of the Commissioners of Woods and Forests, who was now pursuing the self-same course—viz., exacting where exactions had never been made before, holding manor courts and courts leet where they had never before existed, compelling the payment of rents never before demanded, and going, in fact, beyond the *Nullum Tempus* Act. It was time, when the noblemen and gentry were warned off their own property by individuals unknown, when they were upbraided in their own halls by strangers to the land, and the underlings of office, it was time for the country to look into the matter. He called in question the right of the Crown to the possession of any manors in the principality, though he was the last man in the country who would wish to see the Crown shorn of one particle of those rights and privileges which had been awarded to it to support that dignity and station which the Crown of this country ought to hold in the eyes of the world at large. But, with the exception of the marches, he denied the existence of manors in Wales, though they had been endeavoured to be established, not by lawyers, but by the tricks and cajolery of underlings instructed in Somerset-house. There was at that moment a letter extant from Lord Chief Baron Richards (and it was supported by the opinion of Lord Kenyon) asserting that there were no such things as manors in North Wales. The word "manors" was certainly used in the grants made in the times of Elizabeth and of James 2nd. No doubt the word "manor" was contained in many grants. He had inspected many old title-deeds, and there was not a single deed in which the word "manor" was not used, but it did not bear the meaning which was applied to it. The word "manor" was derived from *manerium*, a Latin word, used by Wotton in his translation of the *Statutum Walliæ*, as explanatory of the Welch word *mainoul*, well known as a description of a certain territory, which was again derived from *main*, a stone. Stones were the usual boundaries in the mountains of Wales, and there they were to be found at this moment. There were no feudal tenures in Wales, and if this committee were granted, he would prove, that their existence was merely a notion. It was a very short time ago that Lord Mostyn was warned off his own land by a wretched individual whom nobody knew anything of. This was a licensed poacher, who had an appointment as game-keeper from the Crown. However, he was dealt with as a common poacher, and punished as such. He stood there to assert, on behalf of the people of Wales, that the Crown had no right to make such appointments. He had heard a gentleman say, "How is it that Mr. Ormsby Gore puts himself so forward in this matter? The fact is, he has been stealing from the Crown, and therefore, he wants to make it out that the Crown has no right at all." Why, could anything be more absurd than this? Was it not a self-convicted lie? "Good God! Sir," continued the hon. Member, with great animation, "if I had been playing the rogue, would I call for inquiry into my rogueries? I defy any individual to prove, that I ever put my finger upon a single inch of ground belonging to the Crown, or that I ever filched, or stole, or cribbed, or whatever may be the word, anything whatever belonging to it." But these accusations had been made against others also, and with as little cause. He knew very well what was the reason of this; it was to deter him and other Welch gentlemen from the line which they were pursuing. So long, however, as the inhabitants of the principality were pleased to repose confidence in him, he would never flinch from the execution of his duty. Another ground of complaint against the Crown was, that licences had been granted to individuals to search for minerals on the private property of several persons. In some cases, even where the Crown had alienated the property, it had encouraged its minions to search for minerals. Of this he had in his possession three positive proofs, which would be sufficient as a sample to show the manner in which the Crown had exercised these oppressive exactions. He begged, however, to be understood, that when he spoke of the Crown, he did not speak of the individual at the head of the office of Woods and Forests, but of its underlings. The first of these cases was, where a party had, under authority from the Crown, proceeded to raise slates on an estate belonging to Mr. Wynn. Mr. Wynn, however, sent to the office of Woods a grant by the Crown to his family in the time of James 1st., and then the invasion upon his property was discontinued. Here, however, was a case in which a grant had been found, and found by a gentleman who was capable of reading it; but if the grant had not been forthcoming, or had not been understood, the Crown would have persevered in the unjust course which it had taken. The truth was, that it had sent its officers into Wales to search for evidence; they attacked individuals, and if those individuals could prove their right by deeds and charters, well and good; if not, the aggression on the part of the Crown was continued. These were not singular cases; they had them all over Wales, to the annoyance and destruction of the property of its inhabitants. Having disposed of these two points, the search for minerals and gamekeeper's licences, he came to the actions which had been tried for encroachments in various districts of Wales. He was aware that Members would say, "Well, you have your redress, without coming to the House of Commons. You have the law open to you." But the Crown paid no costs, and it put forward some individual, a mere man of straw, as its lessee, and if a verdict was obtained, the land was saved to be sure, but at a great expense. He could multiply cases in proof of this till the sun rose in the morning. The hon. Member then adverted to summoning courts leet, which, he said, had been illegally and unjustly done. He was sorry, he continued, to be obliged again to revert to the subject of gamekeepers. Authority was given to appoint them under an Act passed in 1828. But how and when was the clause by which that authority was given, inserted in the bill? Not till after the third reading of the bill, when it was introduced and passed *sub silentio*. Nothing was known of it, and, indeed, how should anything be known? What was the bill in which this clause was contained? Was it a game-bill? No. A bill for the improvement of Regent-street. This was the actual fact, and this was the manner in which the Woods and Forests attempted to trample on the gentlemen of the principality, who were descended from the princes of the country, and then turned round and said, "We do not care, bring your action," when they knew they had no costs to pay. The Crown had made several claims, too, for pretended manorial rights, and they had been assailed by every artifice, in order to induce them to pay up arrears. He knew of two individuals who were shut up in a back room until they agreed to purchase from the Crown, and not only that, but to pay up several arrears of back rent; and, in addition to this, they were obliged to pay for the conveyance, and even for the agreement for the conveyance. The poor cottager was attacked by the Crown, and every acquiescence on his part was used as an engine of oppression against the rich. He must beg the House to observe, that not one of these demands from the Woods and Forests was made, but had in the margin a threat that, if the demand were not complied with, it would be enforced by an Exchequer process. He considered the people of Wales to have been tyrannically and unjustly treated. What he demanded of the House upon their behalf was a committee, before which he would engage to prove the several allegations which he made; and if that committee should report, as he felt no doubt that it would, he would call upon the House to throw the shield of its protection over oppressed and injured subjects. The hon. Gentleman concluded by moving, that a Select Committee be appointed to inquire into subjects contained in the petition of the landowners and others connected with the principality of Wales, presented on the 10th of May, 1838.

Mr. *Richards* seconded the motion, and could not consider himself justified in giving a silent vote upon it. It was a subject which required the immediate interference of the Legislature. It had produced serious grievances amongst poor holders of land in Wales, and he trusted the evils arising from those proceedings would not be suffered to exist much longer. He was aware of those evils from his own observation. He had a personal knowledge of many facts which would prove the extent to which those oppressions had reached; but he was of opinion that before a committee would be the most fitting place to state them. The petitioners did not require, that the committee should interfere to any degree which could be deemed an overstepping of its powers; they merely sought an inquiry before it into those allegations, and to lay the case fairly before the public.

The *Chancellor of the Exchequer* said, that when he heard the petition read, he felt that if the hon. Gentleman founded his motion in conformity with it the House would not be justified in granting a committee to inquire into those allegations without the consent of the Crown. If the object of the motion were to bring the question of the right of the Crown before them, the House could not take any step without the consent of her Majesty. The hon. Member who had introduced the motion had, however, said, that he did not demand an inquiry into all the allegations in that petition; he only demanded an inquiry into certain subjects contained in it. It was competent for the House to entertain certain subjects contained in that petition he would admit; but he would ask, of what use would the committee be if they did not enter upon the very question to which they could not proceed without the consent of her Majesty, namely, the right of the Crown? If they omitted this question the object of the hon. Member would not be effected. A gentleman had been very distinctly alluded to in the course of the hon. Gentleman's speech, who did not by any means merit the charges that were very plainly made against him—he alluded to Mr. Wilkin. That gentleman was not to blame for any proceedings of the Crown; and so far from being personally chargeable with anything deserving blame he had received the approbation of every gentleman who had held the office of first commissioner since the time of Mr. Huskisson, who appointed Mr. Wilkin to the office which he now held. It had been said, that before his present appointment that Gentleman had been in the Tax Office. He was not aware, that it was any stigma upon him to have lived in Somerset House, and to have been noticed as a very meritorious officer. It was a little strange to hear those charges when they recollected, that no longer than two years ago they were accused of neglect in the collection of the revenues of the Crown. This charge had been repeated at different periods since 1793; and now, when the officers sought to discharge their duty to the Crown, the charge was reversed, and they were accused of going too far on the other side. He should not give his assent to the motion, because the House could not institute such an inquiry without the consent of the Crown, and if they did not go to that length, the inquiry would be quite useless. It had been said, that the Crown had no right to waste-lands in Wales. Now what were the facts? There had been passed for Wales no less than forty Enclosure Acts, and in each of those there was a part reserved for the Crown, in lieu of its privileges. But the hon. Gentleman had quoted some actions at law which went the length of furnishing an answer to the foregoing part of his speech, for he showed, that verdicts had been had against the Crown, thus proving beyond a question, that the ordinary Courts of law were sufficient, as they were also the proper tribunals, to investigate those disputed claims. If they could discover any case of abuse let them put him in possession of it, and he would undertake, that the Commissioners of Woods and Forests should have it investigated, but he would not consent to any interference of the House with the rights of the Crown. If they appointed a committee for the purpose specified by the hon. Gentleman they would interfere with the most delicate questions of private property. The hon. Member had alluded to the game in Wales, and he had no doubt, that some dispute against Welsh game-keepers had been mixed up with other matters in this subject. He should conclude by again saying, that the House could not grant to a committee powers to inquire into the claims of the Crown, and should a committee be appointed without that power, it would be the play of Hamlet, with the part of Hamlet omitted, by particular desire.

Colonel *Wood* approved of a committee, not for the purpose of trying titles, but for the purpose of affording relief in numerous cases of grievance. The hon. Member who introduced the motion had spoken of great claims and great parties; but he spoke as the advocate of a number of poor men, who had been treated with a great degree of harshness. In the county of Radnor large sales of Crown manors had taken place; the Crown at the time of sale conveyed to the purchasers all the encroachments which had been made previously, and the consequence was, that immediately after, actions were taken by the purchasers against those who held land that was included in the encroachments. The actions failed, because, having been twenty years in possession, that time established their claim as against the purchasers; but it required a possession of sixty years to establish a claim against the Crown, and therefore the Crown accordingly commenced actions as from itself against those who occupied the encroachments. This was decidedly unfair. It was resuming functions which, for many years, the Crown had not exercised. It was a great hardship upon the poor people, and it would appear even more harsh when the House recollected, that the purchasers, if they had a verdict, would not make it freehold property, so that it would be waste. He did not wish an inquiry into title, but he wished to have an investigation as to whether the Crown exercised a greater degree of harshness towards those poor people in Wales than in other parts of the empire.

Lord *Lowther* said, that the Crown had formerly been in possession of large tracts of land in Wales, which had now dwindled to an inconsiderable portion. He was not of opinion, that in its proceedings for the purpose of protecting its property in that principality, the Crown had acted with severity. He had no connection with proceedings, which were commenced at the direction of the Commissioner of Woods and Forests; and so far from the number of actions at law being very numerous, there had been but fourteen from the year 1820 to 1836, and only one verdict for the Crown.

Mr. *Hall* thought, that a committee, consisting of Gentlemen, many of them, perhaps, having personal and pecuniary interests concerned, was not the best mode of settling the abstruse legal points that would doubtless be raised in connection with that subject; therefore he had made up his mind to oppose it. He should wish that some inquiry was instituted into those cases of hardship upon poor holders of land which undoubtedly existed. In one, the holder of a perch of land was sued by the Crown for fourteen years' rent, under a threat to be ejected, if he refused payment, although he had never before been asked for rent. To increase the harshness, the rent was incredibly exorbitant. If an inquiry were confined to cases like this, and that the invesigation took place upon the spot, he should support it, but not otherwise.

Sir *John Owen* said, a commission would be very expensive, and he therefore thought a committee ought to be granted. He was anxious for an inquiry.

Mr. *Warburton* said, charges had been made with reference to purchasers of manors which were not at all borne out. In a case that he was personally acquainted with, nothing could be more unlike severity than the conduct of the purchaser towards those who held disputed portions of land. The purchaser he alluded to was Mr. Watt, a name which carried its eulogy with it. He had purchased a portion of land from the Crown, for 43,000*l.*, and there were no less than ninety-nine encroachments marked upon it; the greater number of these were purchased from the occupiers, some of them were allowed to remain at a nominal rent, and in only one case out of the number did the Crown take possession, because in this it was necessary to do so in order to give up the possession to the purchaser. He should vote against the motion.

Mr. *Jervis* felt compelled to vote against the appointment of the committee, which would not give satisfaction to the public or the principality. The motion of his hon. Friend, which was a direct attack on Mr. Wilkin and the Woods and Forests, would not benefit the parties it professed to serve.

Mr. *M. Attwood* said, the question was, whether or not the Crown had not been too remiss in asserting the rights of the public. The result of every examination and inquiry would be to controvert every assertion of the petitioners, and to enforce, instead of relaxing the rights of the Crown. The case was not one for the House of Commons to entertain, inasmuch as it was one simply of the right of the Crown in quality of a landlord, and dealt solely with private property. A court of law was the proper tribunal to try the issue raised by the parties petitioning in this instance. He must say, that the uncalled-for vehemence shown by the hon. Gentleman who brought forward this motion, appeared to him a strong proof that he would be found completely in the wrong. That hon. Gentleman was himself one of the parties between whom and the Crown, a question had been raised, and was pending; and while he gave the hon. Gentleman full credit for not asserting any claim which he did not consider founded in justice, he must say, that he believed the gentleman whose name had been introduced in this debate on account of the part which he had taken in maintaining the rights of the Crown (Mr. Wilkin) quite as incapable as the hon. Member of urging any claim on the part of the Crown, which was not perfectly just and equitable. The course adopted, had been fully approved by every Government, and particularly by Mr. Huskisson. Many observations had been made with reference to the situation of poor persons who had made encroachments on the Crown property, and against whom proceedings had been taken. But the terms offered to those persons on the part of the Crown had not been in any way oppressive, but most fair and moderate. He referred to the report of the committees of 1793 and 1823, on this subject, which show clearly the loss that had been sustained for want of proper attention to the rights of the Crown. The right hon. Gentleman, the Member for Montgomeryshire and the hon. Baronet the Member for Denbigh, though holding the offices of Stewards for the Crown, and bound, therefore, to protect its interests, were among the petitioners on this occasion, who supported the encroachments on Crown property. The question was, whether the claims of the Crown were well founded or not; and that question was one which the courts of law alone should be called on to decide. If, however, the motion were agreed to, he would divide the House on the name of every gentleman connected with the principality of Wales, if any such were proposed on it.

Mr. *Williams Wynn* thought the cottagers had been treated with some harshness; they had occupied the land for some years, and had given a value to it, when the Crown interfered and demanded a purchase of it and of the buildings erected on it. He did not deny the right of the Crown; but he thought, in some instances, the claims had been unjust, and in others injurious; and that they had been enforced in a manner in which the rights of individuals would not have been enforced. Suits were frequently instituted on the part of the Crown because the persons received a premium, if they succeeded, on the value recovered, but who were not held responsible if they failed in making out their case. He thought such a system highly improper, and that it was grossly oppressive on individuals. Then it was said, that no claims on the part of the Crown were made after ten years, but he knew of cases in which the claims of the Crown had been brought forward after they had been allowed to remain dormant for sixteen and even sixty-four years. Now he thought, that if the claims of the Crown were allowed to remain dormant for such a length of time, and if the land to which those claims related had changed hands in the interval, it was an act of great injustice to enforce them, and that it was oppressive to exercise the extreme right of the Crown after such a period had elapsed. The hon. Member for Chester had stated, that the revenues of the Crown in the time of Anne amounted to 4,000*l.*, and that since that time they had been allowed to moulder away; but the fact was, that a large portion of the land from which those revenues were derived had been sold. He thought the manner in which the powers of the Crown had been exercised was a fair subject for inquiry; but he contended, that an investigation as to the mode in which the rights of the Crown had been enforced ought not to be left to a commission appointed by the Crown itself. A commission so appointed could hardly give satisfaction, and many would be unwilling to produce their title-deeds before such a body. He thought the multitude of commissions already in existence highly injurious, and that those bodies tended to circumscribe the authority of Parliament. In the present case there would be great difficulty in finding persons qualified for the investigation proposed, and who would at the same time insure the confidence of all parties concerned. The right hon. Gentleman instanced several cases of hardship arising from the manner in which the rights of the Crown were exercised, and which, he contended, were highly oppressive to individuals, particularly where claims were brought forward after remaining dormant for a length of time. Such claims never would have been heard of in the case of individuals, and he would ask, whether it was just that the Crown should do what an individual could not attempt? The real matter for the investigation of a committee was, whether some remedy could not be devised for such cases of oppression and injustice.

Mr. *Briscoe* urged on the House to take into its serious consideration the case of the poor occupiers which had been brought forward that night.

Mr. *J. Ormsby Gore*, in reply, said, he might, perhaps, have spoken vehemently on this subject, but he had never lost his temper. Whatever his manner might be, he could assure the hon. Member for

Whitehaven that he would not change manner with him. He denied, that he was engaged in any action at law with the Commissioners of Woods and Forests. There was a case in which he had given notice that he should open ground on a part of his estates for the purpose of trying to obtain slate; but he did not attempt to do that surreptitiously—he gave due and proper notice to the Government authorities of his intention. He remembered that he did receive a notice in reply, but from that day to this he heard no more of it. He had been charged with having personal gratification in view only, and with wanting merely to preserve the game on his estates for his own pleasure. He had not sported over his grounds for many years. "Gentlemen of Scotland," continued the hon. Member, "are ye here? Listen to this—take care of your inheritance. When you find that the mountains of Wales are invaded, let your lairds and your chieftains look to your highlands, for they will next be attacked. Sir, I shall divide the House."

The House divided:—Ayes 50; Noes 98:—Majority 48.

List of the AYES.

Adare, Viscount
Alsager, Captain
Bagot, hon. W.
Bailey, J.
Bailey, J., jun.
Bell, M.
Blackburne, I.
Boldero, H. G.
Clive, Viscount
Cole, hon. A. H.
Cripps, J.
Duke, Sir J.
Dungannon, Viscount
Egerton, Sir P.
Fellowes, E.
Gibson, T.
Glynne, Sir S. R.
Gore, O. J. R
Grimsditch, T.
Hawkes, T.
Henniker, Lord
Hepburn, Sir T. B.
Herbert, hon. S.
Hinde, J. H.
Hodgson, R.
Hughes, W. B.
Lincoln, Earl of
Mackenzie, W. F.
Mathew, G. B.
Morgan, C. M. R.
Morris, D.
Nicholl, J.
Owen, Sir J.
Palmer, G.
Plumptre, J. P.
Polhill, F.
Powell, Colonel
Richards, R.
Salwey, Colonel
Spry, Sir S. T.
Trevor, hon. G. R.
Vere, Sir C. B.
Verner, Colonel
Vivian, J. E.
Walsh, Sir J.
Wilkins, W.
Williams, W.
Wood, Colonel T.
Wynn, rt. hon. C. W.
Wynn, Sir W. W.

TELLERS.

Gore, O.
Jones, J.

List of the NOES.

Adam, Admiral
Aglionby, H. A.
Aglionby, Major
Attwood, W.
Attwood, M.
Attwood, T.
Baines, E.
Bannerman, A.
Bridgeman, H.
Briscoe, J. I.
Bulwer, E. L.
Busfeild, W.
Butler, Colonel
Campbell, Sir J.
Chapman, Sir M.
Codrington, Admiral
Craig, W. G.
Crawford, W.
Crawley, S.
Dalmeny, Lord
Dashwood, G. H.
Dundas, C. W. D.
Elliott, hon. J. E.
Ferguson, Sir R.
Fergusson, R. C.
Finch, F.
Goddard, A.
Gordon, R.
Grey, Sir C.
Grey, Sir G.
Guest, J. J.
Hall, B.
Hector, C. J.
Hindley, C.
Hobhouse, rt. hn. Sir J.
Hobhouse, T. B.
Hope, G. W.
Hoskins, K.
Howard, P. H.
Hume, J.
Inglis, Sir R. H.
Irton, S.
Jervis, J.
Jervis, S.
Lascelles, hon. W. S.
Lister, E. C.
Lowther, hon. Colonel
Lushington, C.
Mackenzie, T.
Macleod, R.
Martin, J.
Maule, W. H.
Murray, rt. hon. J. A.
Muskett, G. A.
Noel, W. M.
Ord, W.
Palmer, C. F.
Parker, J.
Pease, J.
Philips, M.
Pinney, W.
Protheroe, E.
Rice, rt. hon. T. S.
Rickford, W.
Roche, W.
Rolfe, Sir R. M.
Rumbold, C. E.
Russell, Lord J.
Russell, Lord C.
Scholefield, J.
Slaney, R. A.
Smith, B.
Somerville, Sir W. M.
Stanley, E.
Stanley, W. O.
Stansfield, W. R. C.
Staunton, Sir G. T.
Stewart, J.
Strickland, Sir G.
Style, Sir C.
Surrey, Earl of
Talfourd, Mr. Sergeant
Thomson, rt. hn. C. P.
Thornely, T.
Troubridge, Sir E. T.
Vigors, N. A.
Villiers, C. P.
Wallace, R.
Warburton, H.
White, A.
White, L.
White, S.
Wilbraham, G.
Winnington, H. J.
Wood, C.
Worsley, Lord
Yates, J. A.

TELLERS.

Stanley, E. J.
Steuart, R.

LONDON, EDINBURGH, AND GLASGOW RAILWAY.] Mr. *Hodgson Hinde* rose, pursuant to his notice, to move, "That a humble Address be presented to her Majesty, that she will be graciously pleased to give directions for the appointment of an engineer or engineers, to ascertain and report on the best engineering line, for a communication by railway from the North of England to Edinburgh and Glasgow, in communication with the existing railways from the South." In his opinion a general commission should have been appointed before any railways had been made; but, in consequence of the exertions which had already been made by individuals, this was now impossible. If, however, it had been appointed, not only would many lines have been better, but much expense would have been saved. In the Birmingham railway 72,000*l.* had been spent, and in the Great Western 88,000*l.*, by parties promoting the bills without taking into account the costs of the opposition. And although he was ready to admit, that it was now too late to make a general survey of the country, yet the objection did not apply to the line in favour of which he now moved an address. In taking this course he was not unsupported by precedents—a commission was issued to a military engineer named by Government on the Brighton line; but what was more completely in point was, the general commission still in existence for the same subject in Ireland. It appeared, that there were 292 miles of railway on the eastern side of the island to which Parliament had given its sanction, while the extent on the western side was 240 miles. Parliament should take care not to be influenced by local prejudices, and having arrived at a determination that a railway should be established, they should first decide upon whether the line should be taken on the eastern or the western side, and they should then decide upon the precise line to be taken. He was of opinion, that the commission should be carried on at the public expense, as had been the case in Ireland. He begged, therefore, to move for the appointment of a commission to ascertain and report on the best line for a communication by railway from London and the manufacturing districts of England to Edinburgh and Glasgow.

The *Attorney-General* said, that as the Speaker could not second this motion he had very great pleasure in doing so, and he thought, that the statement of the hon. Gentleman was sufficient to show that it was advisable to adopt his motion. Was it not a matter of public concern to construct a railway from the metropolis of England to that of Scotland, and was it not a matter of the utmost importance that such an opportunity should be afforded and should receive the sanction of this House to carry on the commerce of the country? Controversies had arisen as to the best line to be taken, and they would be best settled by the appointment of a commission, by whom Government engineers should be employed, who were skilful, and who besides were not likely to be acted upon by local prejudices. The expense would be trifling, and would soon be repaid by the railway itself.

Sir *George Strickland* opposed the motion. He had himself been a member of a committee at the commencement of the present Session, and they had come to the resolution, that it was better that Parliament should not interfere in such matters. Besides, if the Government should appoint a commission to take the matter into consideration, they would make themselves responsible for the security of the money expended, and it was not, then, for the advantage of the Government or of this country that the interference desired should take place.

Sir *A. Dalrymple* supported the motion, and he believed, that money to a very great amount would be saved by the appointment of a Government engineer to decide upon what would be the best line. He thought this was proved by the case of the Brighton Railway, when, after the Government engineer had ceased to be employed, an expense of 182,000*l.* had been incurred in the course of two years.

Mr. *Hume* was of opinion, that the Government could not more properly dispose of the means which they had, than by appointing an engineer to decide upon the question. He was convinced, that this was the mode which was most likely to advance the interests of the people, and he would ask the right hon. Gentleman, the President of the Board of Trade, with a view to corroborate his argument, how the engineer who was employed in the Brighton case was paid?

Mr. *C. P. Thomson* would answer the question of the hon. Member at once, but that he thought the proposition of the hon. Member opposite involved a difficulty, and an objection in principle which were decisive in the case. The motion was for a commission to deliberate upon the question as to the best line of communication by railway from London to Edinburgh. There had been a committee at a former period, the object of whose inquiry was to ascertain the best lines of railway throughout the country; and he, with the hon. Baronet who had already addressed the House, was a member of that committee. Many of the Gentlemen composing the committee at first—and he among the rest—were inclined to believe, that the object in view was a very proper one; but after due consideration they came to a decision that, on a close examination of the proposal, they were convinced that such an attempt would be productive in Great Britain, at least, of no practical good;

for, that the various local interests which would be involved could not be sufficiently considered; and it appeared to them, therefore, decidedly best, to leave railways in Great Britain in the hands of those who were willing to embark their capital in such speculations, subject always to the scrutiny and control of Parliament. That was the principle adopted, and he objected, therefore, to the present motion, because its object was, to ascertain which was the best line of railway between London and Edinburgh, the object being to ascertain the best of two which had already been commenced. Now, that was directly in opposition to the principle which had been determined upon by the committee. He would beg leave to ask hon. Gentlemen how they intended the commission to proceed? There was a dispute going on, and the question was, whether the eastern or the western line should be taken. How could an engineer decide that point? He might say which was the best line in an engineering point of view; but how could he take into account the various interests which must be involved in the question? If this was the real object of the motion he had no objection whatever to an engineer being appointed to ascertain which was the best line of railway in the point of view to which he had alluded. Let hon. Gentlemen adopt the course which he had suggested to be taken in the cases of the Birmingham and Manchester and the Brighton railways. Let them ask for a Government engineer, and they should have one directly; but let the parties who were interested, and who were the subscribers of the money, let them, he said, pay the engineer, and he could assure them that he would not offer the slightest opposition to their wishes, but he would give them every assistance in his power.

The *Attorney-General* did not desire that anything should be inquired into except which was the best engineering line. He must say, however, that it was important that the expense should be paid by the Government, because until the company was formed, there could be no other funds to pay with.

Mr. *H. Hinde* was willing to alter the words of his motion to "the best engineering line."

Mr. *Pease* was disposed to support this motion. The line to be adopted must be the best engineering line, and the object in view was to obtain a great and immediate means of facilitating the conduct of the commerce of the metropolises of the two countries. He thought, therefore, that the Government was bound, and that it was its legitimate duty, to assist the object of the hon. Member.

Mr. *Goulburn* was opposed to the motion before the House. The first question was, what course it was intended to pursue hereafter? for, even supposing that a Government engineer were appointed who was quite competent to the task, might he not look at the matter solely in an engineering point of view, and without looking at all to the necessity and propriety of securing a line which would pass through or near the great manufacturing towns, from which necessarily a considerable portion of the profit of the undertaking would be derived.

Mr. *Mark Philips* observed, that the best engineering line might be perfectly useless as a commercial speculation. He did not think that it was a matter for the Government to take up, as they might thus inadvertently mix themselves up with a speculation, and lead to great loss.

Mr. *R. C. Fergusson* was anxious that it should be settled by competent authority which was the best line of railroad. He thought that the Government should have nothing to do with railways; but he regretted that when they were first started the Government did not give the aid of the engineers to determine on the best line. He knew no other way than that now proposed to save a most wasteful expenditure of money.

Mr. *Aglionby* objected to the motion as being too limited, The object of the motion was only to determine which was the best line of railroad, the eastern from Newcastle or the western from Lancaster. Now, he should like to have it determined by the engineers which was the best line of railroad, without its being limited to these two lines.

The *Chancellor of the Exchequer* said, that if the hon. Member would bring his motion to a practicable bearing there would be comparatively little objection on the part of the government. The expense would be only a secondary consideration, but they could not compel either of the parties to adopt that which might be determined on as the best line of railroad.

Mr. *Hodgson Hinde* said, that he should have no objection to alter his motion so as to meet the views of the right hon. Gentleman.

Sir *R. Inglis* felt an objection to the original motion which had not been diminished by the debate. Government should, in his opinion, survey all the lines or none. He did not see any reason why this particular line should be selected above all others for Government survey. He for one certainly did not feel that a sufficient case had been made out to justify an address to the Crown.

Mr. *Hume* said, that Government had offered to survey the lines from Newcastle to Edinburgh, and from Lancaster to Glasgow, should any of the competing projectors desire it. In that case all that was necessary to be done was to apply for such survey.

Sir *George Clerk* said, it was perfectly impossible, after the ruinous inquiries of last session, that any company would come forward again to defend a competing line. Believing, therefore, that it was of the highest importance that a good northern line should be ascertained, he trusted that the motion would be agreed to, and that the expense being so trifling hon. Gentlemen opposite would not further oppose it.

The House divided—Ayes 53; Noes 53: Majority 0

List of the AYES.

Aglionby, H. A.
Aglionby, Major
Bell, M.
Boldero, H. G.
Broadwood, H.
Busfeild, W.
Campbell, Sir J.
Craig, W. G.
Dalrymple, Sir A.
Darby, G.
Duke, Sir J.
Dundas, C. W. D.
Dungannon, Visc.
Fergusson, rt. hn. R. C.
Filmer, Sir E.
Gibson, T.
Gordon, hon. Capt.
Grey, rt. hon. Sir C.
Grimsditch, T.
Heneage, G. W.
Hepburn, Sir T. B.
Hodgson, R.
Hope, G. W.
Howard, F. J.
Howard, P. H.
Hughes, W. B.
Hume, J.
Irton, S.
Johnstone, H.
Lister, E. C.
Loch, J.
Lowther, J. H.
Mackenzie, T.
Mackenzie, W. F.
Macleod, R.
Martin, J.
Murray, rt. hon. J. A.
Neeld, J.
Nicholl, J.
Ord, W.
Palmer, G.
Pease, J.
Plumptre, J. P.
Praed, W. T.
Round, C. J.
Stanley, E.
Style, Sir C.
Thornely, T.
Verney, Sir H.
Wallace, R.
Warburton, H.
Worsley, Lord
Wyse, T.

TELLERS.

Hinde, H.
Clerk, Sir G.

List of the NOES.

Adam, Adm.
Archbold, R.
Bailey, J., jun.
Baines, E.
Bridgeman, H.
Brotherton, J.
Dalmeny, Lord
Elliot, hon. J. E.
Ferguson, Sir R.
Fleetwood, P. H.
Goddard, A.
Harcourt, G. G.
Hayter, W. G.
Hector, C. J.
Herbert, hon. S.
Hindley, C.
Hobhouse, Sir J. C.
Hobhouse, T. B.
Hoskins, K.
Inglis, Sir R. H.
Kemble, H.
Lascelles, hon. W.
Matthew, G. B.
Maule, W. H.
Melgund, Lord Visc.
Morpeth, Lord Visc.
Morris, D.
Packe, C. W.
Palmer, C. F.
Palmerston, Lord Visc.
Parker, J.
Philips, M.
Rice, rt. hon. T. S.
Rickford, W.
Salwey, Colonel
Scholefield, J.
Slaney, R. A.
Smith, B.
Somerville, Sir W.
Spry, Sir S. T.
Stansfield, W. R.
Strickland, Sir G.
Talbot, C. R. M.
Teignmouth, Lord
Thomson, rt. hn. C. P.
Troubridge, Sir T.
Vigors, N. A.
Vivian, J. E.
White, L.
White, S.
Wilbraham, G.
Williams, W.
Wood, C.

TELLERS.

Stanley, E. J.
Steuart, R.

The Speaker gave his casting vote against the Motion, which was accordingly lost.

LIEUTENANT HILL.] Captain *Boldero* rose to move for a Committee to inquire into the case of Lieutenant Hill. He was convinced that this officer was an ill-used man. The hon. and gallant Member then stated the particulars of this case, which have already been published. He should be perfectly satisfied to have Mr. Hill tried now by a court-martial.

Mr. *C. Wood* opposed the motion. He did not consider the case a proper one to be referred to a Committee of that House.

Motion negatived.

HOUSE OF LORDS,

Friday, June 8, 1838.

MINUTES.] Petitions presented. By the Duke of CLEVELAND, the Bishop of HEREFORD, the Earl of YARBOROUGH, the Marquess of SLIGO, Lord DENMAN, the Marquess of LONDONDERRY, the Marquess of CLANRICARDE, and the Earl of GALLOWAY, from Durham, Gainsborough, Northfleet, Henley-upon-Thames, Bristol, Birmingham, Warrington, Lincoln, Great Grimsby, &c., &c., for the Immediate Abolition of Negro Apprenticeship.—By Lord BROUGHAM, from Helston, Nottingham, Ashby-de-la-Zouch, &c., &c., against the encouragement of Hindoo Idolatry by the East India Company; from the Printers of Ivy-lane, George-street, Tower-hill, the British Cemetery Company, the General Annuity Company, the National Life Insurance Company, Cupar, Devonport, and other places, for a reduction of the rates of Postage; from several places in Scotland, against the monopoly enjoyed by the Queen's Printer of Printing the Bible; and several from places in Scotland, against any further Endowments to the Scottish Church.—By the Earl of

WICKLOW, from the Clergy of the Deanery of Raphoe, complaining of the operation of the Irish Church Temporalities Bill.—By the Marquess of CLANRICARDE, from Tyrone, against the Irish Poor-law Bill.

POOR LAWS (IRELAND).] The House resolved itself into Committee on the Poor-law (Ireland) Bill.

On Clause fifty-eight, which exempts land producing turf and peat from being rated, except where any turf should be sold,

The Earl of *Wicklow* proposed as an Amendment, that the rate should be confined to the turf "so sold," because as the clause now stood it would imply that where any sale was made of turf off land producing it, the whole land became liable to the rate.

Their Lordships divided on the Amendment:—Contents 9; Not-contents 45: Majority 36.

On the motion that the Clause stand part of the bill, their Lordships again divided:—Contents 36; Not-contents 15: Majority 21.

The remainder of the clauses were agreed to. Report ordered to be brought up.

HOUSE OF COMMONS,

Friday, June 8, 1838.

MINUTES.] Petitions presented. By Sir JOHN OWEN, from the Watermen's Company, and by Mr. CLAY, from the Watermen on the Thames, against the Thames Steam Navigation Bill.—By Viscount DUNGANNON, from the Town-council of Durham, and from a parish in the county of Durham, for the Abolition of the Negro Apprenticeship system.—By Sir GEORGE SINCLAIR, from the county of Sutherland, for the better Observance of the Sabbath. —By Sir GEORGE CLERK, from Glasgow, against the Scotch Burgh Bill.

PLURALITIES.] The order of the day for the further consideration of this report of the Benefices Pluralities Bill was read, and Lord John Russell moved, that the Amendments made in Committee be read a second time.

Mr. *Hawes* objected to the bill on the ground of the sanction it gave to the holding of pluralities, and, as since the former discussion upon the subject the House had received a petition from several clergymen, and as also a memorial from sixty-three clergymen had been circulated amongst the Members of the House, he thought he was fully justified in again bringing the matter before the House. He thought pluralities brought not only unnecessary odium upon the Church, but they were alike prejudicial to the character of the clergy and the interests of the laity. He founded his opinion on the authority of the Church itself. The Church Commissioners had condemned pluralities. Some of the most distinguished Bishops had for some years past acted upon this view, and had refused to give livings in plurality. This occurred more particularly in the poorer dioceses. In the dioceses of Chester and Carlisle for three or four years past, no living had been given in plurality, and what could be done in those dioceses could be done in others. The main reason assigned for holding of pluralities was the poverty of the income of certain parishes. But that reason was met by the fact that in by far the majority of cases, the whole duty was discharged by curates for less than the whole amount of the income of the parish. But, who were, in fact, the holders of pluralities? Not clergymen with small incomes—not clergymen who were forced to hold them by reason of their narrow stipends—but richer men. For one pluralist with less than 200*l.* per annum, there were six with 500*l.* and upwards. In the diocese of Chester fourteen out of nineteen livings under 50*l.* are held singly. Small benefices would not be given unless they yielded a surplus; and it was this pitiful surplus in many cases which the pluralist drew from the working curate. The class of clergy who were forced to be content with the smaller livings are not the class with political and Church interest: it was the wealthy pluralist with political connections who enjoyed the licence allowed by law, and would enjoy it under this bill. The bill would continue a great mischief; pluralities would remain. It would, as the Derby clergymen said, leave the evil untouched. Of the livings at present held in plurality, 3,000 were within ten miles, and this number could be increased, as would be the case by exchanges, which was a scheme recommended by the Church Commissioners, and which the interest of patrons would insure. As to the future existence of pluralities, something might be imagined by the mode in which livings were now bestowed. During the last three years and a half the Bishops had given in plurality one living in three and a half; the Crown one living in about three; rectors with livings in their gift, one in thirteen. Now, rectors were a part of the working clergy, and by this disposition of their patronage showed what their opinion was of the evil which this bill affected to contend with. It was affectation to call this Church reform. The noble Lord, by this bill, was alienating from him the regard of the enlightened and really liberal clergy. The policy of the noble Lord in this matter was—and he said it with regret—precisely that which alienated other friends. He was always afraid of doing too much, or of doing too little; and all parties grew dissatisfied with such policy. The noble Lord had now an opportunity of effecting a great and decided measure of Church reform; he was supported by many of the most distinguished Bishops—the Bishops of Chester, Chichester, Durham, Ely, Exeter, Gloucester, London, Oxford, Peterborough, and Winchester had not given livings in plurality during the last two years, as far as could be made out. Some had never done so. The noble Lord was supported by the great body of the people. The opportunity was, however, to be lost, and pluralities to be maintained. He would conclude by reading an extract from the letter of a most able and zealous clergyman as his best justification for taking up the time of the House. "The experience of about twenty years convinces me that the fearful amount of non-residence in the Church, and the misapplication of its revenues, has greatly injured its usefulness, and will continue to do so unless the grievance is removed. The number of benefices without a resident incumbent under the proposed limitation and restrictions will be between 3,500 and 4,000, unless public opinion prevent it. My impression is, that the present bill will not lessen pluralities beyond what public opinion is now doing." In that effect of public opinion, he (Mr. Hawes) had no confidence, since the bill of the noble Lord and the opinion of this House was, he feared, about to sanction the holding of pluralities for the time to come—to sanction the holding of 3,000 livings in plurality. The hon. Member concluded by moving that the bill be re-committed.

Lord *John Russell* said, that the hon. Gentleman's intentions were in accordance with the terms of his notice, which was that the bill should be recommitted, with the view of abolishing sinecures altogether. This question had been already discussed in that House, and statements had been made, especially by the hon. Member for Kilkenny. It was not, therefore, necessary for him upon that occasion to enter into the question at any length. The hon. Gentleman said, that all that was necessary to be done was, that the bill should be re-committed, with the view of meeting the case of all persons holding two benefices. Suppose, however, that a living of 40*l.* a-year should become vacant, and that no one could be found to fill it, it would be incumbent on the bishop to ask the neighbouring clergyman to perform the duties, the parish would be sequestrated, and the clergyman would have other duties to perform than those of the vacant parish, and this would give rise to the evils of pluralities. However desirable the object of the hon. Member might be, yet he felt that unless he should propose such an alteration in the value of each living as would enable the person by whom it was held to live upon the emoluments of his office, he might rest assured that his amendment would be useless, and that persons would not be found who were willing to take the livings upon such terms as were now offered them. Without going further into the discussion, he should merely say, that he should oppose the motion of the hon. Member.

Mr. *H. T. Hope* would mention a case which he thought required attention at the hands of the House. The cathedral of Gloucester was now served by four minor canons, who were compelled to be resident for seven months in the year, and during that time they had to perform two services every day. For this they received 90*l.* a-year, and it was usual, after they had the offices for ten years, to present them with a living in the neighbourhood, in order to improve their means, and which they held at the same time that they were attached to the cathedral. Now, the effect of this bill would be that they would be prevented from holding either the cathedral or the living, because he had already said they must be resident at the cathedral during seven months in the year under the present law, and under the new law they would be required to be resident at their living during seven months. He merely mentioned the subject for the purpose of drawing the attention of the House to it; and when the clause in which the enactment he had alluded to was contained came under consideration, he should suggest that some amendment should be made in its provisions in order that the exemption allowed in other cases might be extended to these gentlemen.

Mr. *Pryme* said, that although he objected to the principle of benefices generally, yet he must say, that he thought there were many cases in which the general rule might be departed from. He might instance the case of contiguous parishes which was proposed to be provided for by an amendment of the hon. Member for Buckingham.

The House divided on the original Motion:—Ayes 145; Noes 34: Majority 111.

List of the AYES.

Abercromby, hon. G. R.
Acland, T. D.
Ainsworth, P.
Alsager, Captain
Archbold, R.
Ashley, Lord
Bagge, W.
Bailey, J.
Bailey, J., jun.
Baines, E.
Baring, H. B.
Baring, hon. W. B.
Barnard, E. G.
Berkeley, hon. G.
Berkeley, hon. C.
Bernal, R.
Bethell, R.
Blackstone, W. S.
Bolling, W.
Broadley, H.
Broadwood, H.
Brodie, W. B.
Burroughes, H. N.
Calcraft, J. H.
Campbell, Sir J.
Canning, rt. hon. Sir S.
Cartwright, W. R.
Cave, R. O.
Chapman, Sir M. L. C.
Chute, W. L. W.
Cole, Viscount
Courtenay, P.
Craig, W. G.
Crawley, S.
Cresswell, C.
Crewe, Sir G.
Cripps, J.
Darby, G.
Darlington, Earl of
Davies, Colonel
Douglas, Sir C. E.
Duncombe, hon. W.
Duncombe, hon. A.
Dundas, hon. J. C.
Dungannon, Viscount
Egerton, W. T.
Egerton, Sir P.
Elliot, hon. J. E.
Ellice, Captain A.
Estcourt, T.
Fergusson, rt. hon. C.
Filmer, Sir E.
Follett, Sir W.
Fremantle, Sir T.
Freshfield, J. W.
Gaskell, Jas. Milnes
Gladstone, W. E.
Glynne, Sir S. R.
Gordon, hon. Capt.
Gore, O. W.
Goulburn, rt. hon. H.
Grimsditch, T.
Hale, R. B.
Halford, H.
Handley, H.
Heathcote, G. J.
Heneage, E.
Heneage, G. W.
Henniker, Lord
Hepburn, Sir T. B.
Hill, Lord A. M. C.
Hinde, J. H.
Hobhouse, rt. hon. Sir J.
Hobhouse, T. B.
Hodgson, R.
Holmes, hon. W. A'C.
Hope, H. T.
Hoskins, K.
Hurt, F.
Ingestrie, Viscount
Inglis, Sir R. H.
Irton, S.
Jackson, Sergeant
Knatchbull, right hon. Sir E.
Labouchere, right hon. H.
Lascelles, hon. W. S.
Law, hon. C. E.
Lefevre, C. S.
Lefroy, rt. hon. T.
Lemon, Sir C.
Lockhart, A. M.
Lowther, J. H.
Lygon, hon. General
Mackinnon, W. A.
Manners, Lord C. S.
Master, T. W. C.
Mildmay, P. St. J.
Miles, W.
Mordaunt, Sir J.
Morpeth, Lord
Nagle, Sir R.
Nicholl, J.
O'Ferrall, R. M.
Packe, C. W.
Paget, F.
Pakington, J. S.
Palmer, G.
Parrott, J.
Perceval, hon. G. J.
Pinney, W.
Praed, W. M.
Price, Sir R.
Protheroe, E.
Pryme, G.
Reid, Sir J. R.
Rice, rt. hon. T. S.
Rich, H.
Richards, R.
Rolfe, Sir R. M.
Round, C. G.
Round, J.
Rushbrooke, Colonel
Rushout, G.
Russell, Lord J.
Russell, Lord C.
Scarlett, hon. J. Y.
Sibthorp, Colonel
Smith, B.
Stanley, E. J.
Stuart, Lord J.
Stuart, V.
Strickland, Sir G.
Sugden, rt. hon. Sir E.
Teignmouth, Lord
Thomson, rt. hon. C. P.
Thornhill, G.
Townley, R. G.
Vere, Sir C. B.
Waddington, H. S.
Walsh, Sir J.
Wilbraham, hon. B.
Williams, W. A.
Wilshere, W.
Winnington, T. E.
Wood, T.
Wynn, rt. hon. C. W.

TELLERS.

Parker, J.
Steuart, R.

List of the NOES.

Aglionby, H. A.
Aglionby, Major
Attwood, T.
Bewes, T.
Brotherton, J.
Bryan, G.
Bulwer, E. L.
Childers, J. W.
Collier, J.
Divett, E.
Duncombe, T.
Dundas, C. W. D.
Evans, W.
Finch, F.
Hector, C. J.
Horsman, E.
Hume, J.
Hutton, R.
Leader, J. T.
Lushington, C.
Muskett, G. A.
Pattison, J.
Philips, M.
Ponsonby, hon. J.
Roche, E. B.
Salwey, Colonel
Scholefield, J.
Stanley, W. O.
Stansfield, W. R. C.
Strutt, E.
Style, Sir C.
Turner, W.
Wallace, R.
Warburton, H.

TELLERS.

Hawes, B.
Clay, W.

The House then proceeded with the clauses of the bill.

On Clause 2,

Sir H. Verney moved an amendment, that the words "but such two benefices shall not each involve the cure of souls" should be introduced after the word "diocese."

The House divided on the Amendment:—Ayes 42; Noes 96: Majority 54.

List of the AYES.

Aglionby, Major
Attwood, T.
Baines, E.
Bewes, T.
Blake, W. J.
Bodkin, J. J.
Bowes, J.
Brocklehurst, J.
Brodie, W. B.
Brotherton, J.
Bryan, G.
Cavendish, hon. G. H.
Childers, J. W.
Clay, W.
Collier, J.
Currie, R.
Dennistoun, J.
Evans, W.
Finch, F.
Guest, J. J.
Hawes, B.
Hector, C. J.

Hume, J.
Humphrey, J.
Leader, J. T.
Lushington, C.
Muskett, G. A.
Paget, F.
Philips, M.
Pryme, G.
Russell, Lord C.
Salwey, Colonel
Speirs, A.
Stanley, W. O.
Stansfield, W. R. C.
Stuart, Lord J.
Strutt, E.
Style, Sir C.
Vigors, N. A.
White, A.
White, S.
Williams, W.

TELLERS.

Aglionby, H. A.
Verney, Sir H.

List of the NOES.

Abercromby, hn. G. R.
Acland, T. D.
Alsager, Captain
Anson, hon. Colonel
Bagge, W.
Bailey, J.
Bailey, J., jun.
Baring, hon. W. B.
Berkeley, hon. G.
Bernal, R.
Bethell, R.
Broadley, H.
Broadwood, H.
Burroughes, H. N.
Campbell, Sir J.
Clerk, Sir G.
Cole, Viscount
Courtenay, P.
Crawley, S.
Crewe, Sir G.
Darby, G.
Davies, Colonel
Dungannon, Viscount
East, J. B.
Egerton, W. T.
Egerton, Sir P.
Ellice, Captain A.
Estcourt, T.
Farnham, E. B.
Fergusson, right hon. R. C.
Filmer, Sir E.
Fremantle, Sir T.
Freshfield, J. W.
Gaskell, Jas. Milnes
Gladstone, W. E.
Goulburn, rt. hon. H.
Graham, rt. hn. Sir J.
Halford, H.
Hawkes, T.
Hinde, J. H.
Hobhouse, T. B.
Hodgson, R.
Hope, H. T.
Hoskins, K.
Hurt, F.
Ingestrie, Viscount
Inglis, Sir R. H.
Irton, S.
Jackson, Sergeant
Kemble, H.
Knatchbull, hon. Sir E.
Lascelles, hon. W. S.
Law, hon. C. E.
Lemon, Sir C.
Lockhart, A. M.
Manners, Lord C. S.
Mordaunt, Sir J.
Murray, rt. hon. J. A.
Nicholl, J.
O'Ferrall, R. M.
Packe, C. W.
Packington, J. S.
Palmer, G.
Parker, J.
Parnell, rt. hon. Sir H.
Pemberton, T.
Perceval, hon. G. J.
Plumptre, J. P.
Praed, W. M.
Protheroe, E.
Rice, rt. hon. T. S.
Rich, H.
Richards, R.
Rolfe, Sir R. M.
Round, C. G.
Round, J.
Rushbroke, Colonel
Russell, Lord J.
Scarlett, hon. J. Y.
Seymour, Lord
Sibthorp, Colonel
Somerset, Lord G.
Stanley, E. J.
Steuart, R.
Sugden, rt. hon. Sir E.
Teignmouth, Lord
Vere, Sir C. B.
Waddington, H. S.
Wall, C. B.
Walsh, Sir J.
Westenra, hon. J. C.
Williams, W. A.
Winnington, T. E.
Winnington, H. J.
Wood, T.
Wynn, rt. hon. C. W.

TELLERS.

Gordon, R.
Wood, C.

The Clause agreed to.

On Clause 4,

Sir *Harry Verney* moved, that Clauses 4 and 5 be omitted, and the following clause be substituted:—"And be it enacted that no spiritual person, holding any benefice involving the cure of souls, shall accept or take to hold therewith any other benefice involving the cure of souls, unless such benefices are situated contiguous to one another, and the parish churches are within three miles of each other, and the united population of such two benefices do not exceed 3,000 souls, and the united incomes of such two benefices amount to less than 750*l.* per annum." He stated that Dr. Chalmers had said in his lectures, that in no case should the population of a place under a single clergyman exceed 1,500 or 2,000 persons, whereas he had proposed that the number should be limited to 3,000. He believed, that the clergy of the Church of England were the most exemplary, useful, and excellent body of men that could be met with, and he did not censure them, but the system. It appeared, that in England there were not less than 5,000 benefices held in plurality, and of course the major part of these parishes were without resident clergymen.

Mr. *Hume* seconded the amendment. It would have a tendency to corrupt the morals of the clergy; it would expose them to temptation. The House should remember, that in no country was education more wanted than in England, and this was the period to provide for this moral necessity. In no country in Europe did there exist so much crime as in England at present, and in no country was there to be witnessed so much misery resulting from that criminality. In his opinion there should be no pluralities, and although he should vote for the amendment of his hon. Friend as the lesser evil, yet the course best calculated to serve the cause of true religion, and consequently benefit the people, would be to abolish pluralities altogether.

Mr. *Goulburn* said, that hon. Members who were so anxious to lessen the Church revenues, should recollect that it was necessary to afford clergymen a sufficient inducement to perfect themselves, not only in that education which would pass current amongst their flocks, but that ecclesiastical education which would tend to render them fitting, by teaching and example, to improve the moral condition of their flocks. It was a one-sided view, which looked no further than to mere reduction, without considering whether that reduction would be to such an extent, as would tend to lessen the efficiency of the clergy of the Church of England for those duties which it was intended they should discharge. When hon. Members objected to the bill as not going far enough, they should remember that it not only limited the clergy with respect to residence, but also to population and revenue. It had been said, by an hon. Member on the other side, that clergymen could be found to undertake curacies for a very small remuneration. This was a most fallacious mode of reasoning; for a young clergyman, expecting future preferment, would gladly take a living, if it were worth no more than *5l.*, in order to place himself in the way of advancement. To act upon such a principle, as allowing the smallest stipend that would be received, would have a most injurious tendency. It would produce the effect of causing a constant succession of curates, thus removing a clergyman when he was becoming acquainted with the characters and feelings of the people under his spiritual care. In this respect, the Church should be looked upon like any other profession, where the junior branches availed themselves of small remuneration, merely because the position which they attained, placed them on the way to advancement. He (Mr. Goulburn) trusted, that the inferior clergy would be better paid before much time should elapse, for he was happy to say, that the general feeling to provide for them was increasing every year, and he trusted the remuneration afforded, would be always sufficient to encourage men of superior attainments to undertake those important duties.

Mr. *Childers* said, that in permitting the holding of livings within a distance of ten miles, they rather embarrassed than assisted by the spiritual superintendence which it was thought by some hon. Members, was calculated to do so much service. A resident curate only required occasional superintendence. They should endeavour to afford an inducement to young gentlemen of talents and attainments, to enter the Church as a profession. Now, he found that the pluralities were all in the hands of persons possessing great influence—in fact, that those received the advantages of pluralities who least required any assistance of that description. In one case, there were five benefices held by an individual, and one of them was worth 1,000*l.* per annum. Surely it was not such benefices that required to be united? He objected to the limits proposed by the noble Lord, for, instead of putting an end to pluralities, it went rather to sanction those existing at present within the limit of ten miles.

Lord *J. Russell* said, the argument of the mover of the amendment was, that there ought to be a further limitation of pluralities than was contemplated in the bill; but the hon. Member who had just sat down, had contended, that there ought to be no limitation, as if a limitation was made, then the House would actually sanction to a certain extent the holding of benefices in plurality. The hon. Member who had last spoken, mentioned the case of an individual who held four benefices in plurality, and complained that such a state of things should be permitted; yet, when he brought forward a bill, which would have the effect of preventing such cases from occurring in future, the hon. Member expressed his determination to oppose the measure. He thought the bill better as it stood, than if the amendment proposed, were agreed to, and he should, therefore, vote for maintaining the present provisions of the measure.

Mr. *W. Wynn* regretted extremely, that he felt obliged to give his vote differently from his right hon. Friend (Mr. Goulburn). He did think, that in the case of two livings, within ten miles of each other, and each of the value of 500*l.*, that such livings ought not to be held by one person. He was willing to allow, that a small living might be advantageously held in conjunction with a large one, but he considered a living of the value of 300*l.* to 350*l.*, a sufficient inducement for men of talent to enter the church. Could it be said, that the duties of a parish could not be adequately performed by a person who looked to no higher an income than 350*l.* per annum? No one, he was sure, would say so, and he knew of cases where livings were not so large, and where the duties were properly performed, although the incumbents looked for no higher preferment. He did think, that where the livings amounted to 300*l.*, 350*l.*, 400*l.*, or 500*l.*, that the parish ought to have the benefit of a resident clergyman, although he should willingly increase such livings, if means could be devised for that purpose. A curate was always looked on by the parishioners as one who was only to remain with them till such time as he could obtain preferment, whereas, the incumbent remaining permanently in the parish, had it in his power to be much more useful. Having to choose between two propositions, he should, for the reasons he had stated, support the amendment, which went to limit the holding of benefices in plurality.

Sir *Robert Inglis* did not rise to defend the bill as it stood, but to express his regret, that his right hon. Friend (Mr. Wynn), had not been present when the bill was discussed on a former occasion. It was no doubt desirable that every parish should have a resident clergyman; but the attainment of that object was impossible, and therefore he was bound to inquire what next best could be done. In his opinion, the next best mode of supplying the people with religious instruction would in a great degree be attained by the present bill, and he should, therefore, give the clause his support. It had been argued that there were no pluralities allowed in the church of Rome; but such was by no means the case; for pluralities had been allowed in that church as well since as previous to the Reformation. Indeed, the holding of bishoprics in plurality was tolerated in the church of Rome, and nepotism was practised to an extent which would not be allowed in any Protestant country. Did the hon. Member who argued, that pluralities were not allowed in the church of Rome remember the number of livings held by Cardinal Wolsey? He considered that the bill before the House was calculated to be productive of much good, and as he approved of the clause under discussion, he should vote against the amendment.

Dr. *Nicholl* said, that the case mentioned by the hon. Member opposite of five benefices being held by one person, related to benefices which were valued at less than 10*l.* in the King's books. It was those cases which were considered grievances, and which would be entirely got rid of by the present Bill.

The House divided on the original motion—Ayes 57; Noes 53; Majority 4.

List of the AYES.

Acland, T. D.
Adam, Sir C.
Bagge, W.
Barnard, E. G.
Bernal, R.
Bolling, W.
Courtenay, P.
Crawley, S.
Crewe, Sir G.
Dalmeny, Lord
Dick, Q.
Dungannon, Viscount
Egerton, Sir P.
Estcourt, T.
Fergusson, rt. hn. R. C.
Freshfield, J. W.
Goulburn, rt. hon. H.
Hale, R. B.
Halford, H.
Harcourt, G. S.
Hepburne, Sir T. B.
Hinde, J. H.
Hodgson, R.
Hope, H. T.
Hoskins, K.
Hughes, W. B.
Hurt, F.
Inglis, Sir R. H.
Jackson, Sergeant
Kemble, H.
Knatchbull, hn. Sir E.
Law, hon. C. E.
Lockhart, A. M.
Pakington, J. S.
Palmer, G.
Parker, J.
Parnell, rt. hon. Sir H.
Perceval, Colonel
Protheroe, E.
Rich, H.
Rolfe, Sir R. M.
Round, C. G.
Rushbrooke, Colonel
Russell, Lord J.
Seymour, Lord
Sibthorp, Colonel
Slaney, R. A.
Stewart, J.
Teignmouth, Lord
Troubridge, Sir E. T.
Vere, Sir C. B.
Vernon, G. H.
Waddington, H. S.
Walsh, Sir J.
Winnington, T. E.
Wodehouse, E.
Wood, T.

TELLERS.

Nicholl, J.
Wood, C.

List of the NOES.

Abercromby, hn. G. R.
Aglionby, H. A.
Aglionby, Major
Alsager, Captain
Beamish, F. B.
Bewes, T.
Blake, W. J.
Bodkin, J. J.
Brocklehurst, J.
Brodie, W. B.
Butler, Colonel
Cavendish, hon. C.
Cavendish, hon. G. H.
Clay, W.
Collier, J.
Craig, W. G.
Curry, W.
Davies, Colonel
Dennistoun, J.
Duke, Sir J.
Duncombe, hon. W.
Evans, W.
Finch, F.
Gladstone, W. E.
Hawes, B.
Hayter, W. G.
Hector, C. J.
Hobhouse, T. B.
Hume, J.
Humphrey, J.
Hutton, R.
Jephson, C. D. O.
Lushington, C.
Macleod, R.
Martin, J.
Parker, R. T.
Plumptre, J. P.
Pryme, G.
Salwey, Colonel
Sinclair, Sir G.
Stanley, W. O.
Stansfield, W. R. C.
Strutt, E.
Style, Sir C.
Tancred, H. W.
Vigors, N. A.
Villiers, C. P.
Walker, R.
White, A.
Williams, W.
Williams, W. A.
Wynn, rt. hn. C. W.
Yates, J. A.

TELLERS.

Baines, E.
Verney, Sir H

Amendment rejected, and clauses agreed to.

On the 35th clause Mr. Freshfield moved as an amendment that the Bishops should be enabled to grant licences for non-residence to any spiritual person who shall be prevented from residing in the proper house of residence, or within the limits of the benefice of such spiritual person, by any dangerous illness or infirmity of body of himself, or of his wife, or child, making part of and residing with him as part of his family, or by any incapacity of mind of such spiritual person.

Lord *Dungannon* opposed the amendment, which he thought would open the door to a series of evils.

Lord *John Russell* agreed more with the noble Lord the Member for Durham than with the learned Member for Penryn. This was one of the latest points considered before the bill was introduced by the members of the episcopal bench, whom he had consulted, and who concurred in thinking that the door ought not to be opened to that which might lead to a prevalent abuse. To the words, "dangerous illness" he would not object, because there might be a check, but when the power was extended to all cases of infirmity of body of the clergyman, or of his wife, or child, he thought that the door would be left open for evils. And for these reasons he should oppose the motion.

Amendment withdrawn, remainder of the clauses agreed to.

Mr. *Hume* proposed to add the following question in the second schedule—"What is the gross annual value of your benefice?"

The House divided:—Ayes 35; Noes 81: Majority 46.

List of the AYES.

Aglionby, H. A.
Aglionby, Major
Baines, E.
Bannerman, A.
Beamish, F. B.
Berkeley, hon. C.
Bewes, T.
Brocklehurst, J.
Brotherton, J.
Childers, J. W.
Clay, W.
Collier, J.
Duncombe, T.
Evans, W.
Gillon, W. D.
Hawes, B.
Howard, F. J.
Hutton, R.
Johnson, General
Lister, E. C.
Lushington, C.
Martin, J.
Philips, M.
Protheroe, E.
Pryme, G.
Salwey, Colonel
Sheil, R. L.
Sinclair, Sir G.
Strutt, E.
Style, Sir C.
Vigors, N. A.
Wallace, R.
Williams, W.
Williams, W. H.
Worsley, Lord

TELLERS.

Finch, F.
Hume, J.

List of the NOES.

Adam, Admiral
Alsager, Captain
Bagge, W.
Bainbridge, E. T.
Bernal, R.
Blackburne, I.
Broadley, H.
Burroughes, H. N.
Busfeild, W.
Chute, W. L. W.
Clerk, Sir G.
Codrington, C. W.
Craig, W. G.
Darby, G.
Douglas, Sir C. E.
Dowdswell, W.
Dundas, hon. T.
Dungannon, Viscount
Egerton, Sir P.
Egerton, W. T.
Elliot, hon. J. E.
Ellice, Captain A.
Estcourt, T.
Filmer, Sir E.
Freshfield, J. W.
Gordon, hon. Captain
Goulburn, rt. hon. H.
Grey, rt. hon. Sir C.
Grimsditch, T.
Hale, R. B.
Hastie, A.
Hayter, W. G.
Hobhouse, rt. hn. Sir J.
Hobhouse, T. B.
Hope, G. W.
Hoskins, K.
Hughes, W. B.
Hurt, F.
Hutt, W.
Ingestrie, Viscount
Inglis, Sir R. H.
Jackson, Sergeant
Kemble, H.
Labouchere, rt. hon. H.
Law, hon. C. E.
Lennox, Lord G.
Lockhart, A. M.
Lushington, Dr.
M'Leod, R.
Manners, Lord C. S.
Maule, W. H.
Mildmay, St. P. J.
Monypenny, T. G.
Morpeth, Viscount
Paget, Lord A.
Palmerston, Visc.
Parker, R. T.
Perceval, Colonel
Plumptre, J. P.
Rolfe, Sir R. M.
Round, C. G.
Russell, Lord J.
Scarlett, hon. J. Y.
Sibthorp, Colonel
Smith, R. V.
Spencer, hon. F.
Stanley, W. O.
Steuart, R.
Stuart, Lord J.
Strangways, hon. J.
Thomson, rt. hn. C. P.
Townley, R. G.
Vere, Sir C. B.
Waddington, H. S.
White, L.
Wilbraham, hon. B.
Wilshere, W.
Winnington, H. J.
Wood, T.
Woulfe, Sergeant
Wynn, rt. hon. C.

TELLERS.

Gordon, R.
Nicholl, J.

Dr. *Nicholl* moved the insertion of a clause, exempting from stamp duty all instruments connected with the admission to benefices under the annual value of 200*l.*, of spiritual persons not holding any other benefice, or cathedral preferment of the annual value of 150*l.*

Lord *John Russell* saw no reason for extending such an indulgence to this class of persons in particular. No doubt the stamp duty was found burdensome in a great many cases, but this was not the only class of persons who felt the inconvenience, and if the stamp duties were remitted in every case where they were found inconvenient, there would be no stamp duties collected at all.

The House divided:—Ayes 46; Noes 55: Majority 9.

List of the AYES.

Alsager, Captain
Bagge, W.
Baines, E.
Blackburne, I.
Blackstone, W. S.
Broadley, H.
Burroughes, H. N.
Chute, W. L. W.
Clerk, Sir G.
Codrington, C. W.
Darby, G.
Douglas, Sir C. E.
Dowdeswell, W.
Duncombe, T.
Dungannon, Viscount
Egerton, Sir P.
Egerton, W. T.
Estcourt, T.
Filmer, Sir E.
Gordon, hon. Captain
Goulburne, rt. hon. H.
Grimsditch, T.
Hale, R. B.
Hope, G. W.

Howard, F. J.
Hughes, W. B.
Jackson, Sergeant
Johnson, General
Law, hon. C. E.
Lockhart, A. M.
Manners, Lord C. S.
Monypenny, T. G.
Parker, R. T.
Perceval, Col.
Philips, M.
Plumptre, J. P.
Round, C. G.
Scarlett, hon. J. Y.
Sibthorp, Colonel
Sinclair, Sir G.
Stuart, Lord J.
Vere, Sir C. B.
Waddington, H. S.
Wilbraham, hon. B.
Wood, T.
Wynn, rt. hon. C. W.

TELLERS.

Inglis, Sir R. H.
Nicholl, J.

List of the Noes.

Adam, Admiral
Aglionby, H. A.
Aglionby, Major
Ball, N.
Bannerman, A.
Beamish, F. B.
Berkeley, hon. C.
Bernal, R.
Brotherton, J.
Busfeild, W.
Campbell, Sir J.
Clay, W.
Craig, W. G.
Elliot, hon. J. E.
Ellice, Captain A.
Evans, W.
Finch, F.
Gillon, W. D.
Greenaway, C.
Grey, rt. hon. Sir C.
Hastie, A.
Hawes, B.
Hobhouse, T. B.
Hobhouse, rt. hn. Sir J.
Hoskins, K.
Hume, J.
Hutt, W.
Hutton, R.
Kemble, H.
Lennox, Lord G.
Lister, E. C.
Lushington, Dr.
Lushington, C.
Martin, J.
Maule, W. H.
Mildmay, P. St. J.
Morpeth, Viscount
Palmerston, Lord
Protheroe, E.
Pryme, G.
Rolfe, Sir R. M.
Russell, Lord J.
Salwey, Colonel
Sheil, R. L.
Smith, R. V.
Strutt, E.
Style, Sir C.
Thomson, rt. hon. C. P.
Vigors, N. A.
Wallace, R.
Williams, W.
Williams, W. A.
Wilshere, W.
Winnington, H. J.
Woulfe, Sergeant

TELLERS.

Gordon, R.
Steuart, R.

Report received, and Bill to be engrossed and read a third time.

* * *

HOUSE OF LORDS,

Monday, June 11, 1838.

Minutes.] Bills. Received the Royal assent:—Exchequer Bills; Regency Act Amendment; and Poor-law Amendment Act.—Read a second time:—Queen's Bench Sittings.—Read a third time:—Church Patronage.

Petitions presented. By the Duke of Wellington, from the Chancellor, Master, and Scholars of the University of Oxford, against the Oxford and Great Western Railway Bill.—By the Earl of Rosebery, from Stirling, in favour of Mr. Hill's plan for an uniform rate of Postage.—By Lord Brougham, from Newcastle-upon-Tyne, from various Religious Congregations in the following (among other) places, viz: Stockport, Edinburgh, Ely, Jersey, Southampton, Rochester, Chatham and Stroud, Lambeth, Southwark, and Elgin, by Lord Denman, from Sandwich, Rochester, Chester, and other places, and by Lord Lyndhurst, several, for the Abolition of Negro Apprenticeship.—By the Marquess of Londonderry, two, from places in Ireland, against the Irish Poor-law.—By the Bishop of Derry, from Londonderry, for the improvement of Waste Lands in Ireland.—By the Earl of Wicklow, to the same effect; also another petition against the present system of National Education in Ireland.—By the Earl of Harewood, from Leeds, against the present system of registering Burgesses in that town.—By Lord Strangford, from the Guardians of Castleward Union (Northumberland), against the Bastardy Clauses in the New Poor-law.

Canterbury Fanatics — Prerogative of Mercy.] Lord *Brougham* said, with respect to the observation which fell from the noble Duke the other night, as to the manner in which the prerogative of mercy should be exercised, he (Lord Brougham) was sure that there was not a single person who either at present or at any former period, held the situation of judge or of magistrate in the dispensation of the criminal law of the country, who did not sympathise with the feeling of the noble Duke upon that subject. If ever there was one department in the administration of the Government of a country from which more than another ought positively to be excluded all access of private application, it was that most delicate, difficult, and most anxious as well as important function of advising the Crown in the dispensation of the criminal law—which was the true meaning of the prerogative of mercy. That prerogative was to be exercised, either because the punishment awarded to the offence was too heavy, or because the good behaviour of the culprit subsequent to his sentence, gave him a claim to the merciful consideration of the Crown. Every one of the judges, and every one who had been a judge, must, therefore, heartily concur in the observation of the noble Duke upon this subject. He begged now to move for a copy of the correspondence which had taken place with the Secretary of State for the Home Department respecting an application for the discharge from prison, of a man named Fulger, who had attempted to assassinate some one on the Royal Exchange; also a return setting forth the nature of the security which had been taken for his removal from this country, the length of time for which that security was taken, both before and after his leaving England.

Viscount *Melbourne* had no objection to the production of any of the papers moved for by the noble and learned Lord, and he begged to say, that he entirely agreed with the observations made by the noble Duke on a former occasion, as well as with the corroboration which had been given to them by the noble and learned Lord that night. But at the same time, he was totally at a loss to guess to what circumstance those observations referred, or what course of conduct it was that made them applicable. It was certainly true, that the prerogative of mercy ought to be exercised, not because any one made application to the Crown on behalf of the culprit, not out of favour to any party, but because the circumstances of the case, after due investigation, justified the Crown in exercising it. He did not deny that doctrine, and he could state, that while he himself held the office of Secretary for the Home Department, no pardon was granted out of personal favour. But if it was meant to be contended, that applications and statements with respect to each case, as it arose, were not to be received and considered by the Secretary of State, that, he apprehended, was quite a different matter. It was absolutely necessary that he should receive and consider, from whatever quarter it came, any statement, and give it all the consideration that was due to it.

Lord *Brougham* understood the observation of the noble Duke to apply to the case, where parties appealed to the Crown for a pardon, as a matter of favour. In the case of Thom it was made, he understood, by a county Member. He had known many cases where similar applications had been made by magistrates and others at the Home-office in favour of criminals, without any regard to the merits or claims of those parties, and where those applications had been unsuccessful. He particularly remembered a case of that kind that occurred in Westmoreland in 1818, in which a man shot his wife for no greater offence than that she eloped from him.

The Duke of *Wellington*, when he addressed their Lordships on this subject a few evenings ago, had particularly stated that he could have no objection to the case of any criminal being represented to the Secretary of State, in order that he might refer it to the person who was most capable of giving him accurate information upon the subject, and that person he thought to be the judge who had tried the prisoner. After having received the report of the judge, then the Secretary of State would be better qualified to come to a decision respecting the advice which ought to be given to the Crown; but he at the same time declared it to be his firm conviction, that no private application whatever ought, under any circumstances, to be entertained. That, he believed, was the regular, as it certainly was the proper, practice. He also stated, that he feared in this particular case of the person named Thom, there had been a good deal of private application. He came to that conclusion, first of all from what he saw recorded of the debates in another place, in which it appeared an avowal was made of an application having been forwarded to the Home-office in favour of the man Thom. But, besides that, he happening to have some correspondence with the county of Kent, he had been informed that an application had been made to the Government, and a correspondence held with the Secretary of State respecting the man to whose case the noble and learned Lord's motion referred; and it was that which induced him the other night to make the observations alluded to by the noble Viscount—namely, that this case had been the subject of a good deal of private application. It was an unfortunate case, certainly, but he did not wish to cast blame upon any body. Still, he did conceive that the sooner it was resolved that these private applications should never be attended to, the better it would be for public justice, and for the real interests of the country.

Lord *Wynford* understood the noble Viscount to state the other night that this person, Thom, was delivered up to his friends from the prison, upon the ground that he was in a state of insanity. Now, if so, great care ought to have been taken to prevent any mischief arising from his being set at liberty; and if that care nad not been taken, then there certainly attached great moral responsibility to some parties for all that had occurred. To let a man who was decidedly insane go forth into society upon the mere verbal undertaking of another was a most dangerous procedure. It appeared that he was permitted to remain in the county of Kent, where the people were liable to great excitement, for several months, and where every opportunity was afforded him to occasion disturbance, and where, indeed, his conduct ultimately led to the melancholy circumstances which every one deplored. Until some explanation were given on this subject very great suspicion must attach somewhere.

The Marquess of *Lansdowne* must say, that having had occasion to consider the question himself, when holding a certain official situation, he agreed entirely with the noble Duke, that if there were any circumstances of mitigation urged in favour of the prisoner connected with his trial, it would be extremely improper for the Crown to extend mercy towards him without a communication with the judge who tried him. There were two classes of circumstances—the evidence and the character of the witnesses, upon which the judge would be able to give the best opinion, and therefore that opinion ought to be obtained by the Secretary of State before advising the Crown. Of a case of lunacy, however, and circumstances connected with it, subsequently to a trial the judge could know nothing, and on that point he did not apprehend any convenience could arise from having a consultation with the judge. In such cases the Secretary of State had to look to other persons, who had the means of observing the conduct of the prisoner, and whose responsible situations made it their duty to observe the conduct of all persons placed under their control. He doubted whether in these circumstances, the Secretary of State could separate himself from private communications with individuals, when those private communications led to a knowledge of circumstances that could be inquired into as matters of fact, and not as matters of favour—not as matters of consideration as to the parties from whom such communications came.

The Duke of *Wellington* must say, that the noble Marquess had not given a very accurate sketch of the state of the case of the person Thom. He (the Duke of Wellington) believed that there was an inquiry into the conduct of that person, and he also very strongly felt that the result of that inquiry ought to have been a determination not to release that person from confinement in any way whatever, until some time had elapsed, and it was ascertained that he was in a state fit to be at large. He was certain that it would appear from the inquiry which was instituted that the man Thom ought not to have been released from confinement.

The Earl of *Winchilsea* said, that if it were the case that the relations who had applied for the liberation of Thom lived so far distant as Cornwall, and therefore had no opportunity of seeing him, and knowing the condition he was in, and if the persons in whose custody he was, had not intimated their opinion that he might be liberated with safety, then he must say, in that case, the noble Lord at the head of the Home Department had occasioned the loss of life which had occurred.

Papers ordered.

CRIMINAL LAW.] The Earl of *Devon* said, that he wished to make a few observations on a subject of which he had given notice, and which was of great importance to the administration of justice in this country. He had looked over the report of the commissioners as to juvenile offenders, and he thought their conclusions so just, that it had induced him to prepare a bill for the purpose of making punishment more summary. Many of his learned Friends, however, were opposed to it, and he had therefore thought it better to direct the attention of the House to the third report of the commissioners; for if that were taken into consideration, and the grounds were seen on which the conclusions were formed, it must be decided that their recommendation was as applicable to the case of offenders who were more than fifteen as to those who were under that age. He saw no good or substantial reason on which different modes of trial were to be adopted for different ages, though a difference of punishment after conviction might be desirable. It might be stated, that at present at least one-half of the prisoners who were tried at the quarter sessions suffered longer imprisonment before trial than would be awarded by a judge on conviction. Now, that could not be a right state of things; and, in addition to other objections, was the present condition of the gaols; for in order to enforce what was termed the separate system an enlargement of the gaols was necessary. His object would be immediate and certain conviction in particular cases, but not so as to extend the jurisdiction of a single magistrate, as he thought that was already extended too much. He therefore moved for a Select Committee, in order to take into consideration the third report of the commissioners on Criminal Law.

Lord *Denman* thought it a most desirable object, and that some measure should be taken on the subject, for keeping a person in gaol for a longer period than that of his actual punishment was an enormous injustice. There were many cases that were brought to trial, in which more summary treatment might have been adopted—for of fifty cases of picking pockets that had been recently tried, not less than thirty had been disposed of in one morning, there being no doubt of the prisoners' guilt. In cases of ordinary larceny he was at a loss to understand why grand juries were summoned at all. The sooner the gaols could be delivered, the better; and he thought the country was much indebted to his noble Friend for bringing this subject forward.

The *Lord Chancellor* was satisfied of the extent of the evil, and if means could be found of lessening it, a great favour would be conferred on the country; but he much doubted whether his noble Friend would be able to effect it.

Motion agreed to.

HOUSE OF COMMONS,

Monday, June 11, 1838.

MINUTES.] Bill. Read a first time:—Controverted Elections.

Petitions presented. Mr. WARD, from Sheffield, against any additional Endowments to the Scotch Church.—By Mr. PARKER, from Sheffield, against the Beer Bill.—By Mr. GASKELL, from the Editor of a Yorkshire Newspaper, for a uniform Penny Postage.—By Colonel VERNER, from the Apothecaries of Armagh, against some parts of the Medical Charities Bill; and ten, from parishes in Armagh, for the restitution of the suppressed Irish Sees.—By Colonel CONOLLY, from Donegal, against the Negro Apprenticeship system.—By Mr. COLQUHOUN, from the Associate Synod of Edinburgh, from the Presbytery of Forfar, and other places, against the Spirit Licences Bill; from a place in Scotland, against English Soldiers attending Idolatrous Worship in India.—By Mr. G. PALMER, from Essex, to apply Church Property to Ecclesiastical purposes.—By Mr. BROWNRIGG, from the Merchants of Boston, and by Mr. INGHAM, from the Pilots at Newcastle-upon-Tyne, against the Pilotage Bill.—By Mr. LOCH, from Sir J. Mackenzie, and others, complaining of the Board of Excise (Scotland).

MUNICIPAL CORPORATIONS (IRELAND).] Lord John Russell moved, that the Municipal Corporations Ireland Bill be recommitted.

On the motion, that the Speaker do leave the chair,

Mr. *O'Connell* said, that he had to request the indulgence of the House while he suggested reasons why this bill should not be recommitted at present. His object was, to submit to the House, such materials as had come lately into his possession, in order to show, that the proposed plan should not be adopted—at least, as far as related to the city of Dublin. He meant to call the attention of the House to the particular situation of the franchise in that city, and to the incumbrances attached to its exercise. He should premise by stating, that when the prospect was first held out of entirely destroying the Irish corporations, and substituting ameliorated corporations in their place, the announcement of such an intention was received with unmingled satisfaction. But a suspicion had arisen in his mind, that this plan, which was so plausibly proposed, would turn out to be pure delusion. The House should understand, what it was, that the people of Ireland required. They knew, that Scotland had got municipal reform, and that the Parliamentary franchise was in that country made the municipal franchise. They knew that England too had got municipal reform, but that the franchise there was of a different description, depending entirely on the rating of the party to the poor. In each country residence was required, but residence for a longer period in the English than in the Scotch Bill. What the people of Ireland demanded was, that they should get either the Scotch or the English plan of municipal reform. It was possible to realise the English plan in Ireland in every thing except in the payment of poor-rate, as the poor-rate did not yet exist in Ireland. The difficulty was sought to be met by the Government proposition of residence for six months prior to the registry. The right hon. Baronet opposite thought that too short a period, and substituted a year for half a year's residence. What he called on the House to do was, to give the people of Ireland either the English or the Scotch Bill. Circumstanced as Ireland was, he should prefer infinitely the Scotch Bill. And if the House did agree to give them that Bill, it would be accepted in a grateful and cheerful spirit. Or, if the House should refuse them the Scotch Municipal Reform Bill, and give them the English bill, identifying them with the institutions of England, his countrymen would accept it at once. What he wanted was either the one or the other. The materials for the Scotch Bill they could easily have. The materials of the English bill they would shortly have, as the Poor-law was about to receive the sanction of Parliament. There was no pretext for giving to Ireland a different bill from either of those which had been given to England and Scotland, but the object which hon. Members were so ready to disavow, of diminishing the number of electors. Therefore it was, he deprecated the plan of the right hon. Baronet. If they employed a rating fixed at a particular sum they must restrict the franchise by the trammels which did not exist in England or Scotland. He wished to put the question so that the House should have before it the state of the Parliamentary franchise which was unincumbered by the details—by one half of the charges which the right hon. Baronet wished to impose on the Municipal Reform Bill. Let the House compare the population of Dublin with its Parliamentary constituency, and then say, would it be justice to limit the municipal constituency in the same way. The inhabitants of Dublin were 265,316. There were districts in the county of Dublin that were not included in the Parliamentary boundary of the city, the population in these amounting to something like 40 or 50,000. He left these out of the calculation. The House ought to be curious to know how many voters were among the 265,316 Parliamentary voters. The number of householders who had votes did not amount to 4,000. The entire of the constituency that voted in Dublin at the last election ran thus—the greatest number, 3,556 voted for him, and nearly the same number for his hon. colleague; 3,467 voted for the defeated candidates; 1,886 were freemen: of these 136 voted for the sitting Members, 1,750 for the defeated candidates. The municipal franchise was to be found among the residue of the constituency. These were composed of leaseholders and freeholders on the one hand, and householders on the other. The leaseholders and freeholders who voted for the sitting Members were 1,590, for the defeated candidates 1,065, making together 2,655. The householders who voted for the sitting Members were 1,830 and for the defeated candidate 652, making altogether 2,482. It was amongst these that they were to find the municipal constituency. But there should be considerable deductions. In the first place, the holders consisted of *50l.* freeholders, who were not bound to reside; next of *50l.* rent-chargers, who were not bound, and did not reside; of *20l.* freeholders and *20l.* rent-chargers, who did not reside; and from the class of *10l.* freeholders and landholders would the municipal constituency be found. There were, therefore, certainly only one-sixth of these, 2,482, who, being *10l.* freeholders and householders, would be at once transferred to municipal electors, if the municipal law and the Parliamentary franchise were to be synonymous. Let them add 600 to these, and they would have 3,000 at the utmost, as the constituency of Dublin under the Municipal Bill, which was infinitely too small a franchise! Take it at 4,000, and the franchise was still miserably small; and was there any man in that House who would be disposed to lessen that franchise? Take the towns in England—take Leeds, which has a population of 150,000, and they would find, that they had there 25,000 voters. Take Dublin, and see what a gross injustice had been perpetrated in the shape of a Parliamentary Reform Bill! They had struck down, by their vexatious regulations, in a population of 265,000—nearly double that of Leeds—the resident voters, to only 5,000 at the utmost. The noble and learned Member proceeded to ask, was that to be made the basis of inflicting upon Dublin a greater wrong? He might be asked, what it was that prevented the franchise being more extensive in Dublin? He would tell the House it was the high state of the taxation, which might be placed under five separate heads; the voter could not be registered unless he paid those taxes—he must pay the watching and paving tax; he must pay the wide-street cess, and the pipe-water cess; and, in addition to this, he would now be called upon to pay the poor-rate, the insurance of the value of the premises, and the annual estimate of the repairs; those three additional taxes must be paid before a party could register. What would be the consequence of introducing such taxes? The right hon. Baronet proposed a poor-rate, and that there should be a ten-pound franchise. The consequence of that would be, that upwards of one thousand voters of the present limited number would be disfranchised. It was, perhaps, of little consequence how the franchise should be disposed of, if the House designed to insult Ireland as she had often been insulted before. But, if they wished to grant to that country an identification of interests with England, he called upon them to hesitate before they gave their sanction to a scheme calculated to produce so much injury. The right hon. Baronet said, that all he wanted was a just and fair criterion of value, in order to establish a claim to the qualification. Was such a criterion wanted in Dublin? Certainly not. When the right hon. Baronet was high in the councils of a former Sovereign—when he was Secretary of State for the Home Department—he had brought in and passed a bill to value the whole of the houses in Dublin. A commission was appointed under that bill. Two surveyors were appointed; they were of Tory opinions, and they undertook a valuation of the whole city—a valuation of the most laborious and intricate description. They not only gave the rent and other circumstances connected with the valuation, but they gave an account of every thing contained in each tenement; in fact, more complete, particular, or detailed valuation never came before the House of Commons. The surveyor had divided the houses into eight or ten classes; the 10*l.* houses were 14,640. That was the number of the 10*l.* householders, and if they compared them with the number of those possessing the franchise, they would find what a miserable proportion it bore to the number who had a just and sufficient claim to it. But there were reasons for this; the same reasons which now induced persons to wish for a qualification that would, when afterwards applied to the Parliamentary franchise, have a similar tendency to that which was sought to be produced by this limited number of electors, as compared with any town in England or Scotland of a similar population. Nothing else could account for the desire that was evinced to raise the qualification to so unfair a height. If the right hon. Baronet wanted a *bonâ fide* extension of the value and qualification—if he had that in view and nothing else—had he not here as perfect a valuation as could be had—a valuation which was undertaken under the direction of persons who had political feelings of the same tendency as that of the right hon. Baronet? It might be said, that many houses had been built since the valuation to which he was alluding. He would meet that objection and set it aside at once. The Police Act had been applied to those houses as the bill of the right hon. Baronet had been applied towards the houses that were in existence previously, so that there was no pretext for any additional criterion. All the houses built since, had been valued under the Police Act. There was not in Dublin any house from which either municipal or Parliamentary franchise could be claimed which was not already valued. But there was another view, besides the obtaining of a *bonâ fide* test of qualification, there was a political intention in it, and that was the reason; if not, why did the right hon. Baronet ask for any additional criterion? In any of the towns in Ireland there were very few cases of fraudulent value. It was true, that at the first registration under the Reform Act the registering barristers had admitted some claimants to register from houses where the value was less than 10*l.* But, at the very utmost to which those cases could be carried as examples, it must be admitted, that they did not apply to Dublin at all. A committee to inquire into fictitious votes had sat day after day to investigate the registration, and after hearing all the evidence which could be brought forward upon the subject, it had been admitted there was no proof of anything like fraudulent votes being admitted in Dublin; indeed, one witness who had been examined, and whose tendencies were on the popular side, said, that the chairman had been too rigid in his inquiries as to the value of the houses from which the claimants sought to register in the cases of the 10*l.* franchise. At this moment, as the representative of Dublin, he could declare that the number of voters compared with the population was most miserably deficient, it cast a stigma upon Ireland that such should be the case—it was a fruitful source of vexation—it was a source of just excitement, and now they were about to increase this vexation—to add to the degradation—by a lessening of the number to whom they proposed to grant the franchise. They were going a stage further, and instead of diminishing they were about to increase the causes of vexation. In the Scotch Bill nothing was required but a value of 10*l.* and to pay the assessed taxes, which were not in that country added to the franchise qualification. He would desire no more than the Scotch bill. Let them apply that test to Ireland; let them afford her the same measure of justice which they had given to Scotland and he would be satisfied. He did not ask for any partiality towards Ireland; or, if they objected to granting the Scotch bill, he would gladly adopt the English Municipal Bill, although he preferred the former. Upon what pretext did they seek to place upon Dublin a qualification over the value, that was not including the taxes in the 10*l.* valuation? Was it fair or just, that this distinction should be made in respect to Ireland which was not made in England or Scotland? They sought to include those additional charges in the net rent of the elector. If the House would consent to his proposition—if they would consent to postpone the further consideration of the report for one week—he would lay before them full details, which could not fail to convince them of the utter injustice of this measure as related to the 10*l.* franchise in Dublin. His constituents were now preparing the most satisfactory evidence upon that subject, and surely it was not too much to ask to postpone the consideration of the bill for one week, in order that they might be enabled to hear evidence, that could not fail to convince them, how unfair a plan they were called on to adopt towards Ireland. Instead of decreasing the franchise they ought to increase it. If he attempted to increase its extent—if he sought to obtain a virtual equality with England—in that respect he knew he would meet with the old sectarian cry—he would be taunted with the tithe opposition—he would be met with the "No Popery" cant. They would be again told "the Church is in danger"—those sectarian watchwords would be brought forward to oppose his claim for justice. He was not idle enough to suppose that the courtesy of the House which he now received, and for which he was so grateful, would, if extended to him in that case, enable him to prevail upon them to extend the Parliamentary franchise in Ireland. The Church establishment would be brought into operation against him, and all the other elements of religious animosity. He was well aware of the nature of the opposition, that would be made to his just demands for his country, and he was not vain enough to expect, that he could obtain an increase of the electors. But at all events if they refused that, let them not add to the degradation of his country by diminishing the number. What, after all, was the parliamentary franchise in a town or city? It was nothing less than the management of that town or city, of the property belonging to it, of its municipal regulations, of the keeping of its peace, of the superintending of its watch and police—matters in which all classes were interested; and yet it was to the enjoyment of this franchise, that so much apprehension existed of admitting poor voters. Again, he should call the attention of the House, to the plan they were called on to support. They were called on to perpetuate all the municipal taxes of that most overtaxed city, Dublin. They were called on to lay a burthen upon the electors greater than ever existed. This plan says, that all persons prior to claiming to be burgesses should have previously paid all the municipal taxes with the exception of those for the three months preceding. The taxes of Dublin were exceedingly heavy, and in addition to this, the grand jury cess was payable from the 5th of June prospectively. Were hon. Members aware of that fact—that it was to be paid for the ensuing year? So that under this management a man who sought to register in January, 1838, in addition to having all the most oppressive municipal taxes paid up, should have his grand jury cess paid up to the 5th of January, 1839. That was a most monstrous inconvenience. Were they to support such a bill as that for Ireland? The words of the reform bill were equivocal upon this subject of taxes. Two committees sat upon it—one decided against his return, and the other in his favour, but both those committees agreed in deciding that the claimants registered were not bound to pay those taxes in advance. The barrister, however, refused to register any who had not paid in advance; but if there was equivocation or doubt upon it before, this bill proposed to set it aside, for its plan was, that any one claiming to register should pay in advance, at least so far as the heavy grand jury cess was concerned. This was the effect of the motion of the right hon. Baronet. He did not ask of the House to take those facts upon his assertion; he only asked them to give time—the short period of one week—in order that he might be enabled to lay before the House a full detail of those and numerous other cases. He would show them the enormous diminution of the constituency. If, however, the House refused to accede to his request—if hon. Members were determined to persevere—he trusted they would recollect, that he demanded for Ireland that which had been granted to England and Scotland. All he wanted was an equality of rights, as they said there was an Union. Let them have the same institutions; let there be no difference between that country and England and Scotland. Surely he did not demand too much? Let Ireland receive either of the Municipal Corporations Bills at present in existence. He would take the English Bill *verbatim* or at least as far so as possible. He only sought protection and equality. He demanded not to have the qualification raised in Ireland nearly one-half above its nominal value. For the last three years the right hon. Baronet and those who acted with him had refused municipal rights, upon the grounds that the Irish people were not deserving of them. That was intelligible — that could be understood; but now they had abandoned that ground, they had given the Irish people the word of concession, and they refused the reality. Let them give municipal institutions—privileges in reality not in words *Nusquam tuta fides*. Let them give some evidence that they were deserving of faith. Scotland, he should again remind them, was more nearly assimilated to Ireland than England was; but if they refused that, he would waive the difference of wealth between England and his country—he would not ask them for the generous discount which they might offer, nor would he consider whether the poverty of Ireland was a cause of the wealth of England, from the drain which she had been on his country. Let them give an equalization at all events. Under those circumstances he should conclude by moving as an amendment, that the Speaker do leave the Chair for the further consideration of the report upon that day week.

Mr. *Hume* seconded the amendment.

Lord *John Russell* was quite ready to proceed with the bill, but if the House were of opinion that it should be postponed for the reasons stated he would not oppose that determination.

Sir *R. Peel*: With respect to the reasons assigned for the postponement, they applied only to one city in Ireland and they could be better discussed at a future stage in Committee. He was not of opinion that the consideration of the report ought to be postponed under the circumstances, and postponement at this period would endanger the passing of the bill before the termination of the Session.

Lord *John Russell* thought, it would be much better for the House to go into Committee to-night. Considering the number of hon. Members present he thought whatever was determined in Committee, that an opportunity should be afforded to the hon. and learned Member of stating the facts to which he had adverted relative to the city of Dublin.

Amendment negatived, and the House went into Committee.

On Clause 3rd,

Mr. *O'Connell* moved, that in addition to the words—" That from and after the passing of this Act no person shall be elected, made, or admitted, a burgess or freeman of any borough by gift or purchase," should be added the words " or at the discretion of any body or of any individual". His object was, to do away with the discretionary power which had been hitherto most unfairly used by the corporation of Dublin in the admission or rejection of freemen. Pending the Reform Bill, the House of Commons sent an inquiry to the Dublin corporation upon this subject, and the answer they sent through the town clerk, and, of course, under the direction and legal advice of the learned Recorder, was, that no persons were admitted of right to the corporation of Dublin. Since the Reform Bill, however, that had been changed; they had admitted freemen as of right in shoals. The corporation at present, in fact, reject whoever they please, and admit whoever they please, without assigning any reason. It was quite evident what use might be made of this for political purposes. It was an undefined power, and which could be used without responsibility. He wished to abolish this system; he wished to have the corporation open to all who had fair claims, and not for those who were most pleasing to the common council or board of aldermen. It was for this reason that he proposed to insert the words he had read.

The *Attorney-General* said, that another clause would render that amendment unnecessary. If a person had an inchoate right, a *mandamus* would lie; if no inchoate right, then, under the Reform Bill, he was not entitled to admission. If the Court of Queen's Bench refused the *mandamus* in a case where the right lay, a person might proceed by a writ of error, and in a case where there was an improper admission, the right could be tried by a *quo warranto*. Under these circumstances, he thought the words " gift or purchase" as they stood in the clause were quite sufficient.

Mr. *O'Connell* said, that on the showing of the hon. and learned Gentleman he ought to vote for the addition to the clause, for they were now denied in Ireland that corporate freedom to which they had an inchoate right if the corporation wished. He had applied upon those grounds for a *mandamus* to the Court of King's Bench in Ireland, and it was refused, to compel the corporation. So that the hon. and learned Member would deny them that right for which a *mandamus* would not lie. With respect to the *quo warranto*, he had also tried that, and the King's Bench refused it, because they should give an unqualified *ouster*, and this they were unwilling to do. What remedy, then, had they in Ireland? They were perfectly at the discretion of the corporation. To remove this unqualified discretion was the sole purpose of his suggestion.

Mr. Sergeant *Jackson*, upon the part of the corporation of Dublin, objected to the insertion of those words. The statement of the hon. and learned Member for Dublin was not very clear upon the subject of the admission of freemen to the corporation of Dublin. There was a wide contrast between the honorary members which were prevented by the Reform Bill and those admitted by claims of birth, servitude, or marriage. He (Sergeant Jackson) objected to the introduction of the words proposed by the hon. and learned Gentleman, because they might have the effect of disqualifying a great many persons entitled to their freedom.

Mr. *O'Connell* would put it to the hon. and learned Gentleman whether a man might not have fulfilled all the conditions which were supposed to give him a right to the freedom of the city of Dublin, and yet be rejected on his application for admission thereto, either by the board of aldermen or common council, without reason assigned? If that was the fact, what became of the inchoate right? There could be no right when there was no power of enforcement.

Sergeant *Jackson* said, it certainly was discretionary with either of the bodies mentioned to reject an application for the freedom of the city of Dublin in the manner stated. It was, however, peculiar to Dublin, and existed in no other place in Ireland.

The *Chancellor of the Exchequer* had been inclined to attach but little importance to the amendment of the hon. and learned Member for Dublin, until the hon. and learned Member for Bandon had spoken on the subject. Now, however, he thought that a case had been made out in favour of some remedy for an evil of which he did not before know the exclusive existence. The exception in this instance claimed by the corporation of Dublin, was but a fraudulent excuse for the retention of political power. The Stamp Act only recognised two classes of freemen as entitled to admission. Were the corporation of Dublin to create a third class? Of the abuse of this assumption he need only instance the case of Lord Plunkett's son, the son of the Lord Chancellor of Ireland, who, claiming to be admitted a freeman by birthright, was rejected by the corporation for political causes. When a right could not be enforced, it was clear that the franchise was simply honorary. He, therefore, felt inclined to adopt some amendment which would have the effect of getting rid of that anomalous state of things in question.

Lord *J. Russell* said, the case was different from any which he had supposed to exist, on the showing of all parties. It seemed to him, that if the words of the Irish Reform Bill were so abused some others in the Bill before the House were necessary to remedy it. He was not, however, prepared to say, that the amendments of the hon. and learned Member for Dublin were those he should adopt, and under these circumstances, he thought it would be better to postpone the clause for further consideration.

Sir *R. Peel* entreated the Committee to pause ere it proceeded further in the matter. It was a new question; and, as it involved the subject of rights, he hoped that time would be afforded to consider it sufficiently before any decision were come to. If it were found, that the corporation of Dublin had still the power of creating honorary freemen, none would be more ready than he to apply a proper remedy; but he trusted, that the noble Lord's suggestion of a postponement would be agreed to until that was satisfactorily ascertained.

Clause postponed.

On Clause 6, which involved the question of a 10*l.* or a 5*l.* municipal franchise,

Sir *R. Peel* said, the hon. and learned Gentleman in the speech made by him before the Speaker left the chair, observed, that the first announcement of his (Sir R. Peel's) expectation and his sanguine hope that the Irish questions might be adjusted in a satisfactory way, had been received with almost universal satisfaction in Ireland. But his declaration was not a bare announcement that his opposition to the principle of re-establishing municipal corporations was withdrawn, leaving it perfectly vague and uncertain what substitute would be offered in lieu of the proposal of preceding years; it contained a distinct explanation of the conditions on which he would consent to withdraw that opposition. It was impossible, therefore, that the people of Ireland could have been led into any mistake on that subject. They heard that municipal corporations were to continue in Ireland; but they understood, also, that he would only accept of a franchise of the clear annual value of 10*l.*, to be determined, not by the opinion of the holder, but by the test of a rate. He believed, that that announcement did give universal satisfaction, because it was felt that the proposition he made was perfectly just and reasonable. It was because he felt it to be so—because he still entertained an earnest desire that the several questions at issue might be amicably settled, that he thought it most becoming in him not to be deterred by the vote of the other night hostile to his views. Instead of abandoning in despair all prospect of an adjustment, he thought it more in conformity with his duty as a Member of that House again to submit to it his proposition—again to make an appeal to its sober and deliberate judgment, and he should make that appeal with a perfect conviction that the proposal he made was one that ought to give satisfaction, and was in itself fair, equitable, and moderate. He called upon hon. Members at the other side not to allow themselves to be carried away by party feeling, not to take for granted that the insinuation of the hon. and learned Member opposite, that he intended to insult Ireland, was correct. He asked them to hear with attention the offer he was about to make, to consider well the position in which this question and the others connected with it were placed, to bear in mind the advantages that would result to both countries if they were brought to a satisfactory termination, and not to reject his proposal on the vague and groundless assumption that such a motive as that suggested by the hon. and learned Member really actuated him, but before they came to an unfavourable decision, if to such they were resolved to come, to entertain it at least in a spirit of candour and conciliation. He should adhere to the proposal he had formerly made, because subsequent and mature deliberation had convinced him it was a just one. Let them deliberate on the whole of that proposal; let them not omit to consider previous discussions, or the adverse decision to which the two Houses of Parliament had come regarding this subject. Whatever their decision on this point, with respect to the tithe question and the appropriation clause, they (the Opposition) relied on their own inherent strength, and felt secure. He had not used the word "compromise" in reference to that question; he felt, that he possessed, independent of the wishes and intention of Ministers, the power to defeat any arrangement of it which included the principle of appropriation. They mistook him if they supposed he was speaking in any tone of triumph or insult—quite the reverse; he desired to see the questions now pending arranged on a basis mutually satisfactory, and he wished to offend no one by making this statement. Turning then to the question now to be discussed, he had proposed to wave altogether any objection in principle to the establishment of municipal corporations. He proposed, that as regarded the eleven principal towns in Ireland, containing a population of more than 15,000, there should be not an option resting with the inhabitants, but an obligation to receive a corporation. He admitted the principle, that in towns of considerable magnitude, local Government, by means of corporations, was preferable to any other system for the management of municipal affairs. The hon. and learned Gentleman opposite had dwelt to-night on the case of Dublin, and the amount of local taxation raised in that city. He had already declared, in the observations he made a few nights since, that he was desirous to see the local taxation of Dublin reduced by the amalgamation of boards and the reduction of expensive establishments. He had suggested, that it might be advantageous, on account of the importance of Dublin, the complicated nature of its local taxes, the extensive jurisdiction of its local tribunals, to submit Dublin to the same rule as London, and to apply to it a separate legislative measure. His right hon. Friend, the Recorder for the city of Dublin, had also stated, that no wish existed to force peremptorily on Dublin a corporation differing in any essential particulars from those to be established in other towns of Ireland. His proposition did not involve the necessary extinction of municipal corporations in any town in which one had previously existed; it did not involve the necessary refusal of a corporation to any town which had not previously possessed one; he proposed, that with respect to all other towns besides those he had mentioned, corporate property, where it existed, should be managed by local authorities, elected by the inhabitants, but that considering the peculiar circumstances of many towns in Ireland, considering that provision for their municipal Government had been made by many Acts of Parliament, especially that known as the 9th of George 4th, a municipal corporation should not be absolutely forced on those towns, and it should be left to a majority of the rated 10*l.* householders to consider whether or not it would be for the advantage of the town to establish it. With respect to the franchise, he had laid down three several conditions to which he should steadily adhere. He proposed, in the first place, that there should be an uniform franchise for all the towns of Ireland; next, that the voter should possess a house or a tenement with land of the clear annual value of 10*l.*, and he added the condition, that the annual value should not be determined, as it had been heretofore by the oath of the party holding the premises, but by some more satisfactory test, the test on which he was disposed to insist, as the most satisfactory, being that of rating. These were the three constituent elements of the municipal franchise which he proposed, and he asked, if there was any thing in the proposal which entitled any man to say, that it implied an insult to Ireland, that it involved injustice, and created an invidious distinction in its case, that in insisting on the test of rating his intention was to confirm the existing monopoly and continue municipal offices, as regarded the eleven principal towns, in the hands of the Orange party? He would now consider the imputations thus cast on his plan, and the foundation existing for them. In the first place, he proposed an uniform franchise for Ireland, and was not uniformity of franchise the rule adopted both in England and Scotland? The noble Lord rejected the principle of uniformity, which he had formerly supported, and proposed a 10*l.* franchise for some towns, and a 5*l.* franchise for others. In England the Parliamentary franchise was conferred by the occupation of premises of the yearly value of 10*l.*, and the municipal franchise by an occupancy for three years and the payment of all rates and taxes, but both franchises applied uniformly to all towns. They had not fixed the franchise at 20*l.* in London and the large towns, and 10*l.* for smaller boroughs, or at 10*l.* in larger towns, and 5*l.* in the smaller, or made it to depend on the payment of three years' rates in large towns and one year's in smaller. They had adopted an uniform standard for both the Parliamentary and municipal franchises, which applied to all towns alike. Adopting exactly the same course with respect to Scotland, they had made the Parliamentary franchise identical in amount with the municipal, and applied it to all boroughs. Where, then, was the injustice in taking a uniform franchise for Ireland, and selecting rating as the test of the value? He very much doubted whether there was any material difference between the standard of a three years' occupancy and the payment of rates, and that of the possession of premises of 10*l.* annual value. The circumstances of boroughs differed materially, but in Liverpool the number of 10*l.* householders entitled to vote at elections of Members of Parliament did not much differ from that of burgesses voting at municipal elections. The hon. and learned Gentleman opposite said, "Give me the English principle if you please, but I greatly prefer the Scotch principle; apply that, and I shall be perfectly content; there will then be no room to suppose any intention to insult Ireland." Now, what was the Scotch franchise? The municipal and Parliamentary franchises were, he had stated, identical; the Act for amending the representation of Scotland would, therefore, give the qualification of municipal voters. It enacted, that every person, not subject to any legal incapacity, who had been for a period of twelve calendar months in the occupancy of any house or tenement in which he shall have resided for six months, and who shall occupy under the same landlord any counting-house, shop, or other building, whether either simply or with any land occupied and owned by him, or occupied under the same landlord, shall be of the yearly value of 10*l.*, shall be entitled to a vote. The hon. and learned Gentleman opposite said, "Do not mock us with words, give us the substance:" *nusquam tuta fides* was his maxim; he was loud in his demands for the reality of municipal reform. The Legislature had expressly decided, as regarded both England and Scotland, that he only should be entitled to vote who held premises of the annual value of 10*l.* Did they mean less than 10*l.* when the measures to which he referred were passed? if so, it was a fraud; if they meant 10*l.*, that was all that he insisted upon in the present case, with a security that it should be a *bona fide* qualification. He did not want to raise the clear annual value of the premises to 14*l.* or 15*l.*; he wanted to have the annual value of 10*l.* ascertained by rating. With that he should be satisfied—with nothing less would he be satisfied. He wanted to show, by reference to the examples of England and Scotland, by the preference shown to a 10*l.* franchise, and by the course taken with respect to uniformity of franchise, that he was not proposing what was unjust or insulting to Ireland, but only what was necessary to insure the good local government of the towns, and the application of corporate privileges to their proper purpose—not subserviency to factious interests, but the promotion of the welfare of the boroughs on which they were conferred. A proposal was made several Sessions ago to disturb the uniformity of the municipal franchise in Scotland, by reducing it to

5*l.* in smaller towns. It was resisted on the ground that a 10*l.* franchise gave greater security for the integrity and independence of the voter—that it afforded less scope for the exercise of improper influence on the part of landlords. Had he not then a right to say, that a 5*l.* franchise for Ireland would give greater opportunity for the exercise of improper influence than a 10*l.* franchise could give? How did Lord Jeffrey, then Lord-Advocate, combat the proposition to which he had referred?

> "It was alleged (the learned Lord observed, when the Reform Bill for Scotland was under discussion), that the 10*l.* franchise would in great towns create a constituency almost as extensive as universal suffrage, while in small towns it would throw the election into the hands of the oligarchy. The principle which solved the question then, as it would do now, in the case of the municipal franchise, was, that it would be better to establish an uniform scheme, which might be productive of inconvenience, than to endeavour to escape partially, for they only escape partially from its anomalies by an arbitrary classification. The hon. Member might say, that the present question and the reform question were not parallel cases, but in principle they were the same. He took on himself to say, that the privilege of electing fit magistrates required a greater degree of impartiality and intelligence than was necessary to enable a man properly to exercise the privilege of voting at elections for Members of Parliament. If they reduced the municipal qualification to 5*l.*, they would soon be compelled to admit a Parliamentary constituency at the same rate."

What was the opinion of the present Speaker, Mr. Abercromby, who had taken an active part in the discussiou of the question? The right hon. Gentleman said,

> "That he would give his strenuous support to the clause as it stood. He hoped the whole of his life had afforded sufficient proof that he was not opposed to the extension of popular rights, but he thought that in this case a 10*l.* franchise was most desirable, as it was desirable that an uniform franchise should be established. He could see no reason why the municipal franchise should be lowered rather than the Parliamentary franchise. The keeping up of the franchise would in no way lessen the stimulus to every industrious man to place himself in the situation of a voter. He trusted that the bill would be carried into effect in the manner he thought most satisfactory to the people of Scotland."

Did the people of Scotland raise any outcry that their national feelings were outraged by the rejection of this amendment? Not at all? They saw that it was necessary for the purposes of good government, and that if carried it might obstruct the progress of a measure of salutary reform. The arguments used on the occasion to which he alluded applied with equal force to the question regarding the Parliamentary franchise. Without going so far as to maintain that it was of greater importance to preserve municipal voters from the exercise of improper influence than Parliamentary electors, that object would surely be admitted to be worthy the attention of Parliament. What said the noble Lord opposite, when he brought forward the Reform Bill in 1831?

> "He would not now enter into the merits of the clause establishing a 10*l.* qualification. At another time, either on the second reading, or when the House resolved itself into Committee, he should be prepared to defend that part of the bill as perfectly unassailable. He should be prepared to shew, if Ministers were to raise the franchise in large towns, and lower it in small boroughs, that they would on one hand create something like the scot and lot boroughs, and on the other, alienate from the Government and the constitution a large mass of intelligent and independent voters."

He desired a 10*l.* franchise, ascertained by the test of rating, because it would afford greater security against improper influence, the very principle on which it had been adopted in England; and he had a perfect right surely to assert this principle, without being accused of a desire to oppress or insult Ireland. The English bill, in the first instance, went upon adopting the rating to the poor, in order to ascertain the 10*l.* value. Various precautions were taken, but the English bill did at first adopt rating for the poor. Why was that abandoned? Because it would give a value above the proper value? No; the sole ground was, that different towns had different principles of rating; one town took three-fifths of the value, another four-fifths, another the whole value; so that it would have been unjust and unequal in England, where different principles of rating applied, that the rule should apply. The noble Lord abandoned that principle on the distinct ground that the test in England would be unequal. But the noble Lord regretted, that he had not the opportunity of applying the test. The noble Lord said, "he would have been inclined to abide by the poor-rates as a measure of value, but that, from all the information he had received, he felt convinced that the assessments were so irregular in different parishes, that it would not be possible to have recourse to them with effect." So said the noble Lord, "I abandon the principle of rating, solely on account of the different principles of rating prevailing in different places, when the bill was in Committee, that a 10*l.* rating should be adopted; but this was objected to, not because it was an unfair test of the value, or on the ground that it would raise the qualification." Lord Althorp said, that the principle was sound, provided there was an equal principle of rating pervading the whole country; but they would not postpone the Reform Bill till an equal principle of rating should be introduced. They said, "We admit, that the test is a good one." What were the circumstances of Ireland? The House was going to establish a just principle, an equal principle, an uniform principle, applying to the whole of Ireland; the House was about to apply to Ireland the very circumstances which, if they had existed in England, the noble Lord would have adopted as the rule in England. How could it be said, that, taking the rating for the poor-rates, tended to increase the qualification? The hon. and learned Member for Dublin said, "You are going to raise the franchise." But the House was going to confer a new franchise, and all he asked was, that it should correspond with the other franchise. If the other franchise had not been abused, he was not going to raise it; but if it had been abused, he was going to raise it, and he had a right to do so. The question was, had it been abused? If Scotland had not abused it, there was no analogy; if Scotland required a clear annual value of 10*l.*, and Ireland did not, the cases were different, and they had no right to take the same rule. Let hon. Members read the report of the Fictitious Votes Committee, and say whether the right of voting should depend on the opinion of the party, as to the value. He would read the evidence of Mr. J. Lane, treasurer of the city of Cork. Was Mr. Lane a person whose opinion should be rejected on account of the violence of his party politics? Mr. Lane said, "I am what you would call a Liberal. I voted for Mr. Beamish and Mr. Callaghan. I have voted for the Liberal Members ever since I recollect." There were instances of persons voting, who were exempted from the rate, as under 5*l.* The Parliamentary Reform Act required that voters should possess a 10*l.* tenement. Parliamentary voters claimed to be registered, and were registered, and Mr. Lane, this person holding Liberal opinions, had produced three lists for the city of Cork. The first was a list of the number of persons registered under 10*l.* He is asked:—"What is the result of the three lists you have delivered in? What is the total of persons registered, who are valued under 10*l.*?—*365.*" "What is the total number of persons registered, who are not valued at all?—119." So that 119 were registered as 10*l.* householders, who had not property to the amount of 5*l.* "What is the total number of persons who were valued in the supplementary valuation, but upon appeal were struck off?—*55.*" And he gives instances of persons who voted as 10*l.* householders who, when they came to be excused from the rate, took an oath that they were not worth 5*l.* Was any gentleman prepared after this to make a vote depend on the opinion of a party who had voted as a 10*l.* householder, and when he came to be excused from the rate, swore that his property was not worth 5*l.*? There was another gentleman named Young, whose evidence also referred to the city of Cork; and in the evidence of Mr. Young he found this passage—"Did you visit a person of the name of John Oakshott, in Phillip's-lane?—I did. Did you see his shop?—I was in it. You examined it?—I did. What is the highest value you would put upon that shop?—2*l.* a-year. What description of shop is it?—It is a workshop; he is a carpenter." Then to Mr. Lane—"Does such a person as John Oakshott, in Phillip's-lane, appear to have been valued?—No. Do you find John Oakshott upon the register?—I do; 'John Oakshott, carpenter, Phillip's-lane, city of Cork, 10*l.* householder; registered the 2nd of November, 1832; voted in 1832 and 1835.'" So that here was a person registered at 10*l.* a year, in 1832, who voted in 1832 and 1835 for a carpenter's shop, and when Mr. Young is asked what is the highest value he put upon the shop, he says "2*l.* a year." There were many instances of votes where the property was not 5*l.* a year. Then he was not satisfied to leave the franchise, as far as the municipal corporations were concerned, on the same footing as he found the Parliamentary franchise. He had attempted to show, that he required an uniform franchise, applicable to all Ireland, which he formerly proposed for England. Next, that by adopting a 10*l.* franchise, he adopted the franchise the Ministers thought ought to be the franchise for the constituent body in England, and he took the 10*l.* franchise, because he thought it hit the line for establishing the integrity of voters, and because they ought to have a more satisfactory test of the qualification of persons than their own opinions; lastly, because it was actually adopted at first in the English Reform Bill, and was abandoned, not because it was a bad test, but because of unequal customs. There was another question — whether by this course, he was doing injustice to the Roman Catholic party, and creating a monopoly for the Protestants. Nothing surprised him more than to hear it suggested, that by establishing a *bonâ fide* 10*l.* franchise, he was establishing a preponderance for Protestants. He had heard of the wealth and respectability of the Roman Catholics of Ireland, and he was surprised that it should be suggested that the majority of 10*l.* householders could consist of Protestants. The hon. and learned Member had referred to the city of Dublin. He must know the state of that city; but he had been told that, at the Dublin election of 1835, of the 10*l.* householders, 1,664 had voted — 353 for the Conservative candidate, and 1,311 for the hon. and learned Gentleman. In 1837, of the 10*l.* householders, 719 had voted for West and Hamilton, and 1,799 for the hon. and learned Gentleman. If his information was accurate (if not, he was, of course, in error), it was inconsistent with the argument that by taking a 10*l.* franchise for Ireland, he designed to secure a monopoly to the Protestants. In Cork, in Galway, in Limerick, was it likely that this franchise should give a preponderance to the Protestants over the Catholics? It was admitted that if a 10*l.* franchise would exclude Roman Catholics, that was a valid ground of objection; if so, and if he showed that a 5*l.* franchise would exclude Protestants, would he not have an equally valid ground of objection. He contended that there was no security but a *bonâ fide* franchise of 10*l.* with occupancy for twelve months, and residence for six months; and he thought he might hope that the proposition that rating should be the test would continue to conciliate the same degree of public favour amongst those who desired to see these questions settled on a just foundation in England, Ireland, and Scotland, and who hailed the proposition, when he first made it. Let him recall to the recollection of the hon. and learned Gentleman opposite the arguments which were urged previous to the passing of the Act for the removal of Catholic disabilities in favour of the relief of the Roman Catholic population from those disabilities. They were not then told, that the Protestants were the preponderating party in Ireland. The argument then used was, that the Roman Catholics were the preponderating party, particularly as regarded numbers; and that they also, in the towns, had greatly the preponderance in that respectability which depended on wealth. Such were the arguments urged in favour of the Catholics previous to the passing of the Relief Bill; but they were now told that the Protestants of Ireland were the preponderating party, and that a 10*l.* franchise, with rating, would have the effect of giving the monopoly to the Protestants. One of the ablest works he had ever read on the subject of Catholic emancipation was that written by Mr. Scully. Now, what were the arguments of that Gentleman when advocating the claims of the Roman Catholics? He said—

> "Whoever would rightly understand the actual state of Ireland ought principally to inform himself of the peculiar condition of its Catholic inhabitants. In every point of view, they form a most important subject of inquiry and of serious reflection. Strength, industry, energy, and all the characteristic virtues which bestow value upon a people, are theirs in an eminent degree. In numbers they have prodigiously increased; and they are continually increasing, beyond example in any other country. Already they compose the far greater part of the trading and manufacturing interests."

Could he then have anticipated, after the lapse of several years, during which the Catholics of Ireland had been rapidly increasing in numbers and in wealth, that he should have been taunted with wishing to give a preponderance to the Protestants when he proposed the same franchise for Ireland as had been given to England, and with wishing to establish a monopoly in favour of the Protestants, when he contended for the application of a 10*l.* franchise for such towns as Cork and Limerick? Mr. Scully further stated that—

> "Numerically the Catholics constitute full five-sixth parts of the Irish population; and, compared with the members of the Established Church, they are in the proportion of, at least, one to ten — a proportion, be it observed, rapidly advancing of late years. In every city, town, and village, their numbers more or less preponderate."

But, in point of fact, a 10*l.* qualification with the test of rating would not give the preponderance to the Protestants in Ireland. He had never proposed a 10*l.* franchise with that view, and he did not believe, that it would have such an effect. He thought, as far as Dublin was concerned, the evidence was conclusive, that the Protestants would not have a monopoly by such a qualification as he had proposed, and when he reflected on the number of 10*l.* houses in that place, he could not doubt that with a 10*l.* franchise, even with the test of rating, they would secure fairness and impartiality and a respectable body of electors. What was the rule which had been applied in the case of the rating for police? Had they not exempted houses under 10*l.* of annual value from affording a vote, and by that determination had they not given it as their opinion that a 10*l.* qualification was the best? He had attempted to show, that the qualification which they had deemed best qualified for securing freedom and integrity in England and for preventing the influence of property, was the best also for Ireland. He had also attempted to prove, that a 10*l.* qualification in the eleven towns for which it was proposed, with the test of rating, would not give the Protestants the preponderance, and he did entreat the House to consider the whole state of the question, the length of time it had been under consideration, the opening which was now afforded for its settlement, and the apparent prospect of a satisfactory adjustment which was now before them, and he hoped they would not allow the opportunity for a fair and equitable settlement of the question to escape. He had not made his proposition with a view to give a preponderance to a party, or to establish a monopoly in favour of any sect. He had been called upon to make sacrifices, and he had laboured diligently for the single purpose of conciliating opposition to the plan which he had suggested. He believed, if they sanctioned the principle which he contended for—if they approved the qualification he had proposed, the measure before the House would be approved of elsewhere and that the bill would be passed into a law. He did, therefore, entreat them to adopt a qualification which was founded on a secure and safe principle as regarded Ireland, and which would have the effect of giving peace to Ireland, and of securing for that country tranquillity and happiness and all the advantages of good local Government. The right hon. Baronet concluded by moving to substitute in the clause the words 10*l.* for the word 5*l.*

Lord *John Russell* rose to address himself to the proposition of the right hon. Baronet, and he very much regretted, that, after further consideration, the right hon. Baronet had thought proper to persevere in the proposition which he had last made to the House. In so saying he did not by any means find fault with the grounds upon which the right hon. Baronet had made his proposition. On the contrary, he rejoiced that the right hon. Baronet had placed his argument upon these grounds, of the comparative franchise between England and Scotland, for to this no person could reasonably object. But it was upon those grounds themselves that he contested the conclusion at which the right hon. Baronet arrived. It was upon the ground of the franchise as established in England and Scotland, and on the ground of the present state of towns in Ireland, that he thought the proposition which the right hon. Baronet had made to the House was rather more calculated to keep alive feelings which were unjust and invidious, and differences that at present existed, than to establish the foundation of lasting harmony upon the questions that agitated Ireland. With respect to the question which the right hon. Baronet had mentioned in the beginning of his speech, namely, the tithe question and the appropriation clause, he wished to reserve anything he had to say upon the subject to a different occasion. He only wished now to say that whatever might be the issue of this debate, or of this bill, with respect to the municipal corporations, it had never been his intention or understanding, that one bill was to be given as a bargain or set-off for another. It was his intention to proceed with the bill, which he had already stated his intention of proceeding with, as a means of mitigating the evils which were suffered from the present state of the tithe question in Ireland. This he would say, that at least they might come to the discussion of this question upon grounds which might be fairly debated on one side or the other, but with the most dispassionate and deliberate determination to do what would be best to secure permanent legislation on this subject. In speaking of the franchise to be adopted the right hon. Baronet in the first place mentioned the course that had been followed with respect to the Parliamentary franchise in England. The right hon. Baronet was quite correct in saying, that, when the English Reform Bill came to be discussed in this House, those who sat on that (the ministerial) side of the House did not agree to the proposition they made, and which was again made in Committee by an hon. Gentleman (the Member for East Retford), that a rating of 10*l.* should be adequate as a qualification for the Parliamentary franchise. But the right hon. Gentleman was hardly so correct when he stated that the only and sole reason mentioned in opposition to this proposal was, that the modes of rating were different, and that a different proportion of rates prevailed in different towns. One reason which he stated, and to which the right hon. Gentleman at the time referred, was, that a great number of persons would be disfranchised to whom the Government meant honestly to give the franchise. To the same effect Lord Althorp, in reply to the right hon. Gentleman, the Member for Ripon, said,

> "That the hon. and learned Gentleman objected that the alteration made in this clause, as compared with the corresponding clause of the last bill, would lead to a great extension of the suffrage, because in the last bill there were several tests necessary in addition to the value of the House. The intrinsic value of the House, however, was felt to be the simplest test, and all others had been dispensed with."

Such was the plain and intelligible declaration of Lord Althorp with regard to the Parliamentary qualification. He thought, therefore, as far as the English Reform Bill was concerned, no sanction could be found for the present proposition in any thing that took place, at least with the consent and on the part of those who proposed the Reform Bill, during the discussions upon it. Next, with regard to the Scotch Municipal Reform Bill, that bill was not encumbered with restrictions as to a rate. There were certain qualifications and restrictions belonging to a rate from which at least the municipal voter in Scotland was free, but whether the franchise was altogether the best that could be taken for the Scotch municipal towns, especially the small municipal towns, he was not prepared to say; and he owned that if the question were put to him whether he should impose those restrictions, or rather extend the franchise in Scotch towns, the latter part of the alternative he would greatly prefer. But, however that might be, neither in the English Reform Act nor the Scotch Municipal Reform Act was the test of rating to be found. Was it, then, to be found in the English Municipal Act? They might look in vain there for a ten pound franchise accompanied by rating. He there found every person rated and occupying for a certain period allowed to vote for municipal councillors without any restriction upon value whatever. He thought, therefore, so far as precedent was concerned, as far as the Acts to which Parliament had given its sanction were concerned, that the proposal now made with respect to the Irish municipal towns of combining a ten pound franchise with rating to the amount of 10*l.* must be acknowledged to be a higher qualification, and a more restricted qualification than that which was taking in voting for English Members of Parliament, English municipal councillors, or Scotch municipal councillors. He was about to declare, that the right hon. Baronet's proposal, be it for better or worse, would impose, with regard to the Irish municipal franchise, a higher qualification than Parliament had hitherto thought it necessary to take. The right hon. Baronet had said, that there were three qualifications which he proposed with regard to this franchise. With respect to one of them, namely, that of uniformity, he thought the right hon. Baronet used a singular argument, when he said that as there was an uniform franchise with respect to Parliamentary electors and corporation electors in England, he proposed that there should be a uniform franchise in Ireland. He admitted, that they might have a uniform franchise, and the only question was, what kind of uniform franchise should it be? They might say to the people of England and Ireland they ought to live upon a uniform diet, but whether that diet should consist of wheaten bread or of potatoes would make the whole question in dispute. He, therefore, did not think that the people of Ireland ought to be satisfied with the assertion of a uniform franchise because they saw one in England; the amount and nature of the franchise was the whole question in dispute. What, then, was the nature of a 10*l.* house, or warehouse rated at 10*l.* a year? Was it merely a house of the value of 10*l.* a year and no more? The right hon. Baronet said it was; he said it was not the mere value, and, without going into much discussion, he could show some difference, by appealing to an Act that was passed only two years ago, called "An Act to regulate Parochial Assessments." That Act, after imposing such burdens as poor-rate, county-rate, &c., upon householders, went on to state that in imposing the rate it was a fair principle to take into consideration the nature of the property, and if the property were such as a house that required repairs from year to year to keep up its value, it was plain that a different rate should be put upon a house to that which was put upon land which did not require the same expenses. He thought, this was a very good principle with regard to rating, and this bill, after specifying the amount of rent required to entitle the holder of a house to vote, added these words, "deducting the probable annual costs of repairs, insurances, and other expenses necessary to maintain the house in a state to demand such rent." Those were not the expenses of a house let from year to year, which were usually paid by the tenant; on the contrary, they were usually paid by the landlord, and it was, therefore, very fair and just to say, that when they imposed a burden, they would consider the principle of the burden as compared with the house, and that they would only rate according to the value of the property. When the question was the giving the franchise, and they had a person paying 10*l.* a year rent, was it just to say, that they would deduct the expenses which naturally belonged to the landlord, the expenses of repairs, and that, although a person paid 10*l.* a year to his landlord, and paid what were usually the tenant's taxes, yet the rating being under 10*l.* a year, he was not qualified to vote? Such, however, must be the effect of the right hon. Baronet's proposition. In either case a person paying rates and taxes to the amount of 5*l.* or 6*l.*, and paying 10*l.* a year besides in rent, would not have a vote, because from his 16*l.* must be deducted the amount necessary for repairs, and if these amounted to 7*l.* or 8*l.*, the person paying 10*l.* a year would be disqualified. This restriction was not imposed on the 10*l.* householder in England who voted for Members of Parliament, or upon the voters for councillors in Scotland — this qualification and this restriction were reserved peculiarly and especially for Ireland; and if they proposed to impose these restrictions upon Ireland, at the very moment when they professed, and he had no doubt sincerely professed, to be actuated by feelings of grace and kindness towards Ireland, and a wish to place her municipal towns on the same footing as the towns of England and Scotland, the people of Ireland would be slow to believe in the sincerity of he ir professions. He did not think it justtha t they should have this double restriction in the case of Ireland. The right hon. Baronet had stated several instances to show that the ten-pound parliamentary franchise had been abused. He knew, that there were cases which bore out the right hon. Baronet's proposition. He did not deny it; and when this bill was last in Committee, he declared his readiness to admit, that rating should be taken as the test of value; but he could not admit, that rating together with a 10*l.* rental, should be taken as a test, because, both together would give a higher qualification than he proposed. The right hon. Baronet said, that there were various cases in which the number of Parliamentary electors had been swelled up by persons who had properly no right to the franchise. If that were the case, the consequence must be, that the number of municipal electors for Ireland would be more restricted than the number of Parliamentary electors; and the number, therefore, would be so extremely limited, whether Protestant or Catholic (for he did not wish to enter into that question), that the great proportion of the householders would be excluded. They had in the returns before the House the number of 10*l.* householders in different towns in Ireland. In Dungannon, for instance, there were 197, in Ennis 256, in Enniskillen 215, in Kinsale 221, in Lisburne 124, and in Tralee 174. These returns showed, that the number of Parliamentary electors a little exceeded or fell below 200, and yet the right hon. Baronet proposed to limit it still further, and to restrict all those towns which were below the franchise at all to about one hundred, or one hundred and twenty voters. As the right hon. Gentleman seemed to be so immovably attached to a 10*l.* franchise, there would be no use in proposing any other to him. Let those who would thus restrict the franchise of the people of Ireland remember, that the ears of the people of Ireland must be conciliated by other sounds, than that it was necessary to restrict municipal privileges in Ireland, in order to maintain the Church Establishment. In his opinion, it was not at all fair that the people of Ireland should be debarred from the enjoyment of their constitutional privileges, simply because in the estimation of some, their exercise would be incompatible with the welfare of the Church. His belief was, that if they wished the people of Ireland to form an united, loyal, and affectionate portion of the kingdom—that even if they conceded nothing on the score of the Church, if they persisted in leaving it entirely as it was at present—still the wisest way would not be to tell them the Church of Ireland stood in the way of all their franchises; but to say, "We will make no single concession on the subject of the Church, but you shall have all your franchises and your freedom in the fullest possible manner; and then, whatever may be your objections to our Church, we shall feel secure that you will have no temptation to become the assailants of it." Let those who would curtail these franchises, recollect that they were now at the end of a long period during which the greatest proscriptions and penalties had been laid upon the Roman Catholics of Ireland; and, calling to mind the words of a great statesman, that "confidence is a plant of slow growth in an aged bosom," let them consider that confidence was also of slow growth amongst a long-persecuted people. His firm opinion was, that it was the intention of the House of Commons to give the people of Ireland their constitutional franchises in the fullest and most effectual manner; but if, in according those franchises, they gave them in a more restricted manner than they were enjoyed in any other part of the kingdom, they ought not to be surprised, if so acting was quoted as a proof that the same old spirits still remained; and that whilst they professed to give every freedom and franchise to which the people of Ireland could be entitled, they did it in so jealous and grudging a manner that no dependence should be placed upon their fulfilling all that liberal policy which they had set out by professing. Considering, therefore, the past events which had taken place in Ireland, and considering also the present state of that country—considering that it was the object, not of any one party in that House, but he firmly believed of the great majority of it, to fulfil the intentions which were declared by Mr. Pitt at the time of the Union, entertaining these sentiments, he could assure the Committee that they would be disappointed if they supposed that he should concede to the proposition of the right hon. Member.

Sir *E. Sugden* was understood to say, but he spoke amidst continual interruptions that he lamented the tone which had pervaded the speech of the noble Lord, because his right hon. Friend had entered into this debate on the very grounds on which the noble Lord had previously said this question ought to be discussed. As this was but the third speech, he hoped he was not taking too great a liberty in addressing the House on so important a question. ["*Divide*" and "*Question*"] He thought those interruptions exceedingly unbecoming, considering the quarter whence they came. No man was more willing than he to give way to the sense of the House, but when he was interrupted in that way, he did not feel inclined to abandon his purpose of addressing a few observations to the House on what had fallen from the noble Lord. In the discussion on the Reform Bill, in 1831, the test of the 10*l.* qualification was objected to because it was justly contended, that the rating was different in different parts of the country, and that therefore a 10*l.* qualification in some places would be equal to a 15*l.* qualification in others. The noble Lord himself had in the first bill proposed a 10*l.* qualification for several of the large towns; how, then, could he say, that the proposition of the right hon. Baronet was intended to be a religious test? It was much easier for Gentlemen to create interruption than to afford information to the House on that subject. The noble Lord had said, that if the 10*l.* qualification were inserted in the bill, it would be necessary to add something more than 10*l.* to the test; but that was not what they required they did not ask anything beyond the 10*l.* qualification; let the noble Lord, then, frame some modification of the test so as to bring it to that precise amount. He wished the question to be rationally discussed; he was trying to see which was the reasonable side of the House, and he would tell hon. Gentlemen that the country would judge between them. Hon. Gentlemen might cry "question" because they did not like to hear reason, but that would not satisfy the country. It should be remembered, that in Ireland the tenant paid no assessed taxes, and only half the poor-rate was to be paid by the tenant; but in England the whole of the poor-rates and assessed taxes were paid by the tenants: so then in England the tenant had to obtain a higher franchise to enable him to vote, and in both those instances the scale was turned greatly in favour of the people of Ireland. It would be found, that in England and Scotland the tenant under a term at 10*l.* paid all repairs, poor-rates, taxes, and insurances, and even if the rent was 9*l.* and he bore all these burdens, he would not be entitled to vote. Now, in Ireland, with this test the matter would be different, for there, if the property was let on lease, the yearly value stated in the lease would not be taken as the test of value, but according to this bill the value was that which premises would fetch at a letting from year to year, the tenant paying certain demands. Now, when it was remembered that in Ireland the tenant paid no assessed taxes, and that he would only pay half the poor-rates raised under the Irish Poor-law Bill, he could not but submit that this bill did not require so high a franchise as that provided either in the Municipal Reform Act for England or the Municipal Reform Act for Scotland, and that, therefore, the Irish municipal electors had an advantage in every possible way over those of England and Scotland. On these grounds he submitted, that the test proposed by the right hon. Baronet near him was unobjectionable, but at the same time, if the noble Lord could point out any modification of that test, provided it would not reduce the value below the clear yearly value of 10*l.*, he (Sir E. Sugden) had no reason to suppose but that any such alteration or modification of the test would be met with a corresponding feeling by his right hon. Friend.

The *Attorney-General* said, that if the Committee would honour him with its attention for a very few moments, he thought he should be enabled to show that the proposal of the right hon. Baronet, the Member for Tamworth, would have the effect of raising the franchise in Ireland higher than it stood either in England or in Scotland, and further, to raise it higher than the value was required *bonâ fide* to be in the bill propounded by her Majesty's Government. He agreed with the right hon. Baronet opposite (Sir R. Peel), that it was important to have a test of value. He looked with as great horror and as much abhorrence as did the right hon. Baronet at the perjuries on both sides by voters being allowed to value on their own oaths the property they held, and out of which they claimed the franchise. He admitted the difficulties of such a mode of valuation, and he couldstate from the experience of former years, when it was the practice to try appeals against assessments, that frequently in an appeal against the rating of a tenement at 10*l.*, six surveyors could be found to swear on the one side it was not worth 5*l.*; while, on the other hand, six surveyors would come forward to swear it was worth 15*l.* He, therefore, should be glad to see a test of value applied which would not raise the franchise, and which would not disfranchise those upon whom the franchise ought to be conferred. But he could show to demonstration, that the proposal now before the Committee would materially enhance the franchise. In the first place, the test now proposed had been before attempted, and had failed. By the Statute 10th Anne it was enacted, that no person should be allowed to vote, &c., for any freehold unless the freehold was rated to the full annual value of 40*s.* or more for one year before the election. This law had been found to be so inconvenient, and actually disfranchised so large a proportion of electors, that in two years—namely, by the Statute of 12th Anne, and from that time down to the present, rating had never been adopted as a criterion of value as to the enjoyment of the Parliamentary or municipal franchise. The bill for the regulation of Irish corporations stated, that a person occupying a house of the full yearly value of 10*l.* should have the franchise. Now, did that mean that the municipal franchise should be higher than the Parliamentary franchise? He said not, but it was meant, that the one should be identical with the other; and with regard to the Parliamentary franchise, he contended that every householder paying a rent of 10*l.* had a right to vote without any deduction being made from his rent, either for taxes, rates, repairs, or insurance; and that there might be no doubt on the subject, into the English Reform Act had been introduced a proviso expressly making that declaration. So also was a similar proviso contained in the Irish Reform Act. The English Reform Act said, that the House should be of the clear yearly value of 10*l.* over and above all charges payable out of the same. Then came the proviso by which it was declared, that no public or Parliamentary tax, church, county, or parochial rate, should be deemed a charge payable out or in respect of any lands or tenements within the meaning of that Act. The Irish Reform Act, he repeated, contained a precisely similar clause. [Sir *R. Peel:* The proviso in the English Act does not apply to boroughs.] The right hon. Baronet said this proviso did not apply to boroughs. He (the Attorney-General) begged to say, that it had been so applied by all revising barristers but two, who at Coventry allowed deductions to be made from the rent for repairs; but in no other case had it been so decided, and he, therefore, contended, that according both to the English and Irish Parliamentary franchise, the tenant paying 10*l* a-year rent was entitled to vote without recurring to any bargain existing between him and his landlord with respect to repairs. But what would be the effect of the qualification proposed now by the right hon. Baronet the Member for Tamworth? He said he must have the test of assessment. Now, assessment necessarily introduced deductions from the amount of rent for taxes, for all outgoings, for repairs, and for insurance; so that a tenant who now paid 10*l*. per annum rent would not, after those deductions, be assessed at 10*l*., but at 8*l*., or even 5*l*.; and, therefore, if the qualification proposed by the right hon. Baronet should be adopted by the committee, one-half of those otherwise entitled to vote would be entirely disfranchised. This test of assessment the right hon. Baronet took from the Irish Poor-law Bill, and contended, that assessment should be the criterion of value. The Irish Poor-law Bill made deductions for all the outgoings he had enumerated, and the effect of the adoption of assessment as a criterion of value would be, that hundreds and thousands of those who paid *bonâ fide* 10*l*. rent, and who had the Parliamentary franchise, would not possess the municipal franchise; in short, that in Ireland, a much poorer country than either England or Scotland, there would be the very highest qualification. He must ask, was that just—was it reasonable? The right hon. Baronet said, he was pledged to a 10*l*. value, and a 10*l*. assessment. The right hon. Gentleman, the Member for Ripon, seemed inclined to depart from that to which the right hon. Baronet had irrevocably pledged themselves. Be that as it might, a vast difference existed between a 10*l*. value and a 10*l*. assessment. For these reasons it seemed to him that the right hon. Baronet would find, that dissenting from the Government proposal to reduce the value to 5*l*., even on his own principle considerable deductions must necessarily be made from the rent actually paid.

Sir *W. Follett* said, every hon. Gentleman who had spoken from the other side of the House, including his hon. and learned Friend who had just sat down, had expressed his willingness to adopt some test of the value of the premises occupied. His hon. and learned Friend had said, that he had the same abhorrence as the right hon. Baronet at the perjuries arising from the present system, and had expressed his anxiety to apply a test. The Attorney-General did not object to the test of the poor-law assessment, provided he was satisfied it would not increase the rental. But neither his hon. and learned Friend nor any other hon. Member had pointed out any possible test but that of rating, and, therefore, if it could be shown that that test did not increase the amount of franchise, all must agree that it was the right test. His hon. and learned Friend referred to the statute of Queen Anne, which required an assessment on the 40*s*. freeholder. That statute, it was true, was not continued, why he knew not, but it had not been pointed out that any inconvenience had arisen from that practice. He, therefore, could not suppose there existed any objection to the test of value afforded by the poor-rate. He and those who thought with him wanted to be to be satisfied that the annual value was 10*l*. *bonâ fide*; and if he could see that the rating would raise the franchise above the value of 10*l*., he for one (and he was sure he expressed the feelings of those on his side of the House) would have no objection to any alteration being applied to that test which would prevent the possibility of the franchise being so raised; but let them not be told that because the rating test would raise the value, that therefore the value should be lowered from 10*l*. to 5*l*. But in what way was it possible that the value could be raised by the adoption of the test proposed? He took it that the clear mode of ascertaining the value of a House was to know what that House would let for, the tenant being subject to all the usual burdens. That was the mode in which the value was estimated in England, and that the tenant should pay the tenant's taxes and tenant's repairs, and, subject to those burdens, the rent paid was the fair criterion of value. Now, the mode of rating in Ireland, was precisely that, with but two exceptions. The hon. and learned Member for Dublin said that in Ireland the landlord never did tenant's repairs. Doubtless the hon. and learned Gentleman was right, and if so, his position as to this not raising the franchise was correct, for if the tenant repaired, then that item would not be a deduction; but the assessment would be on the actual annual value. But supposing the landlord did the repairs, to what extent would that raise the value? In Ireland there was no house-tax, no window-tax, in short, there were no assessed taxes, but there were certain municipal taxes in some of the corporate towns. He should not allude to Dublin, for the circumstances of that city stood perhaps on different ground, and therefore its consideration had been postponed. Now what could the landlord's repairs come to on a 10*l.* house? Why, according to the hon. and learned Member for Dublin, to nothing. There, then, only remained the charge for insurance, which would be, perhaps, 2*s.* 6*d.*, so that at the utmost the application of the proposed test of value would only increase the franchise by 4*s.* or 5*s.* a-year. Was it because the proposition of his right hon. Friend involved that risk that the noble Lord at once would lower the franchise to 5*l.*? If the public were to judge between the propositions, he would state, that he and his Friends wanted to have the question settled on this basis—that there should be a real and *bonâ fide* franchise of 10*l.*, and to ascertain that value they were willing to have the test of the Poor-law Bill applied—a test which could not raise the franchise above 4*s.* or 5*s.* He spoke for himself and others who acted with him when he said they were perfectly willing to allow any alteration to be introduced into the mode of fixing the rate in order to ascertain, and only ascertain, that the real value was 10*l.* They did not wish to increase the franchise; all agreed that some test of value was necessary; this they held to be the only safe and proper one, and they asked the Government and the House to consent to that test.

The *Solicitor-General* reminded the Committee that the question really before it was whether the words "ten pounds" should be inserted in the clause before it, and said, he wished the Committee to understand what the effect of that insertion would be. He brought the question to the test. He would suppose a rate of 1*s.* in the pound, which would be 10*s.* per annum upon each 10*l.* house—a rise of twenty-five per cent. upon what the law said was the full rating in this country. Only two years since, an Act of Parliament was brought in by his noble Friend, the Member for Stroud, for the purpose of having the parochial assessments in this country fixed at the full value. In that act almost identically the same wording was adopted, as well in the present as in the Irish Poor-law Bill. At the end of the act to which he referred there was a most useful schedule, containing in several columns the name of the occupier, the name of the owner, a description of the property rated, &c. The hon. and learned Gentleman here read from the schedule "White Acre Farm," the gross estimate of the rental of which was stated in one column to be 60*l.*, and the rateable value 55*l.* The obvious meaning of this was, that the 5*l.* was to be deducted. [*No.*] He contended that this was clearly the meaning. He found in the same schedule another entry of a house in West-street, the gross rental of which was stated at 30*l.*, and the rateable value at 25*l.* Practically, however, the reduction was made from 30*l.* to 24*l.*, and from 10*l.* to 8*l.*, these latter sums being more convenient multipliers. If a person occupy a House the annual rent of which is 10*l.*, the rate which he pays is estimated upon the sum of 8*l.*; and an individual rated as for a 10*l.* house was the occupier of a house of the annual value of 12*l.*

Sir *E. Sugden* said, that there never was a greater mistake than that which the hon. and learned Gentleman committed in his mode of interpreting the Act of Parliament. The figures which he had quoted were given merely as an example.

The *Solicitor-General* said, that those figures were undoubtedly given as an illustration, but that they proved the understanding of the Legislature to be, that a large deduction should be made in ascertaining the rateable value.

Mr. *P. Scrope* considered the figures to have been put down as anything but an example. It was clearly pointed out to be the practice of surveyors to make such a deduction.

Mr. *Emerson Tennent* spoke amidst much interruption. He said, he hoped the committee would see the necessity of coming to a different decision on this clause from that to which they had arrived a few nights ago. He, and he believed every Gentleman on that side of the House, felt that the great principle of the bill and its ultimate operation and effect were absolutely involved in the amount of qualification to be now fixed, and dependent upon the establishment of some certain and varying test by which to ascertain it—some mode of proof which could neither be disputed nor evaded. As to the amount, he could not possibly conceive, that for any popular purpose requiring at once an exercise of intelligence and an interest in property, it was prudent to go below the ten-pound franchise in the towns of Ireland. This was the *minimum* at which the judgment as well as the experience of the framers of the Reform Bill had fixed its amount, and he believed, that if any change whatsoever had been wrought in the minds of the supporters by the experience of the last six years, the inclination of their opinion was, that a somewhat higher amount would have, at least, given a better security against the evasion and abuse of the law, and that in Ireland the constituencies as at present registered, had fallen considerably below the standard which it had been their intention to maintain as a limit. Concurring, as he did, in the abstract opinion, as to the propriety of fixing 10*l.* as the *minimum* qualification for the exercise of political rights, he could not, with any consistency, assent to fixing a lower ratio for municipal. In the great towns in Ireland especially, the two functions would be of almost co-equal importance; there would be the same exercise of judgment, and the same scope for opinion, besides the investment with a new power not hitherto enjoyed by any popular body in the kingdom; namely, the power of levying a rate, and of raising taxes on the community; for it could not, with any force, be contended that duties such as these involved a minor exertion of intelligence and prudence, or a less direct interest in the representation of property, than the selection of a Member to serve in Parliament; or that, whilst the security of a 10*l.* interest was deemed prudent to be exacted for the one, the possession of one-half that amount might be taken as sufficient for the other? On the contrary, he believed, that in the large towns in Ireland, such as Cork, Limerick, and Belfast, towns rapidly increasing in extent, and peopled with a busy and active-minded manufacturing population, the duties of judicious local economy, and effective self-government, so as to promote social order as well as internal comfort, would require even greater judgment, and more practical intelligence, than ordinarily belonged to the inferior class of Parliamentary electors. This conviction of the importance of the functions about to be devolved upon these new municipal bodies naturally led to another consideration, on which he would equally oppose the reduction of the franchise below 10*l.* It would be impossible, after such a reduction for one purpose, to resist it for others, and we should ultimately have an unanswerable argument, as well as an urgent demand, for a 5*l.* Parliamentary franchise. It would be impossible for men to see their neighbours in a rank of life not essentially superior to their own exercising privileges from which they were excluded. In the schedule to the present bill which contained the names of those towns to which it was proposed to give a 5*l.* franchise, there were seventeen towns that now returned Members to serve in Parliament. And was it to be anticipated or believed, that the 5*l.* householders of these seventeen towns, after having once been admitted to exercise popular municipal rights, after becoming accustomed to all the forms and excitements of popular elections, canvassings, pollings, and contests—after selecting and returning officers to tax and govern their several towns—would not look with anxious jealousy on those who exercised the only right from which they were excluded; and, finally, demand to be admitted to the Parliamentary franchise also? Nor did he see by what argument or answer that demand could be successfully met, if they were now to be invested with other functions not one whit less dignified and important. But, however important might be this limit to the amount of the franchise, he considered it practically of even less importance than the accompanying proposition of the right hon. Baronet of the rating test by which to ascertain it. The experience of the working of the present registration system in Ireland had amply proved, that without some such controlling check, the nominal 10*l.* franchise would be little better than one-half the amount, and that even a 20*l.* qualification could, by dint of perjury and fraud, be manufactured out of a 5*l.* house, if the occupant was disposed to try the experiment. The advantage of a rating test, in a political point of view, as a self-acting regulator, by which the law would be enabled to work itself, and to enforce its own provisions, would not be less gratifying than its operation, in a moral point of view, in putting an end to fraud and false swearing before the registering officer. He did not hesitate to avow his hope and his belief that this test, if once established for municipal purposes by law, would, in practice, be extended to all analogous inquiries, and be finally adopted and acted upon in determining the Parliamentary franchise also. He did not anticipate nor wish for that which had been attributed or surmised by hon. Members opposite, that this proposal, if carried, would have the effect of raising the qualification above the nominal amount, or of converting a nominal 10*l.* franchise into a 15*l.* or 20*l.* What he sought was a 10*l.* franchise, not in name only, but in reality; not in the mere interested and prejudiced opinion of the owner himself, but in the cool, deliberate judgment of disinterested and impartial strangers. Reference had been made to the system of valuation at present in practice under local Acts in Ireland, and the cases of Belfast and other towns had been quoted, in which the valuation was practically from ten to twenty per cent, under the value. That was true, but it was also avowedly and notoriously true; there was no deception practised, and the valuation being thus known to be liberal towards the parties to be rated was never taken as conclusive evidence in disputes as to value. But it would be very different under the poor-law, which, as it now stood, would exempt no class of property from bearing its portion of the public burthen, and would, therefore, afford no opening for the exercise of partiality in permitting some parties to go exempt at the expense of others. The rates to be levied would be too serious in amount for any one party to screen another in evading his portion of the common impost. At present the practice of granting excise licences for the sale of spirits in Ireland was to charge for each according to a graduated scale, all houses below the value of 10*l.* obtaining their licence for a sum of 3*l.* or 4*l.* a-year lower than those whose annual value was above 10*l.*, so that practically the proof that a man's rent was under 10*l.* availed him from 3*l.* to 4*l.* a-year in obtaining his licence. Now he had recently moved for and obtained a return of all excise licences granted in Ireland to houses under the value of 10*l.* In that return he was astonished to find no less than 313 houses included as licensed in Belfast alone; but on coming to scrutinize that list, he was still more astonished to find, that of these at least 200 had been duly registered as *bonâ fide* 10*l.* householders, and as such had voted at the last election. Now, in this case, there was a manifest fraud, either upon the excise in evading the payment of the duty, or upon the registering barrister in obtaining the franchise, or perhaps upon both, and to obviate it, there was but one simple and obvious remedy; namely, to refer the valuation of these premises to a third party, who would have no interest in falsifying his return. The fundamental principle of the proposition made by the right hon. Baronet for the settlement of this question was, as it appeared to him, a qualification uniform in amount with the Parliamentary franchise, and a test of value which would render that amount *bonâ fide*—and so much importance did he attach to the latter portion of that proposition—so much value did he attribute to that test, not only in a political, but in a moral point of view—that if he must choose between a 10*l.* franchise under the present system of evasion and perjury, and a 5*l.* qualification, accompanied by a test, which would put an end to both, he should infinitely prefer the latter. He would prefer a *bonâ fide* well-ascertained 5*l.* rating to any nominal sum which, whilst it professed to mean a 10*l.* franchise, would, in reality, mean anything to which an ambitious claimant might choose to annex his own false and fictitious estimate. He hoped that the House would see the equity as well as the expediency of conforming to both these proposals of the right hon. Baronet; and for his part, so vitally essential did he regard both the one and the other, that he should consider the surrender or defeat of either one or the other as a virtual discomfiture of the entire plan for the adjustment of municipal corporations in Ireland.

Mr. Sergeant *Woulfe* contended that the difference between the amount of annual rent the rateable value would not be a few shillings, as alleged by the hon. and learned Member for Exeter, but would amount to pounds. It had really astounded him to hear the hon. Gentleman assert, that the difference would be only a few shillings. A 10*l.* house could surely not be made a permanent source of income by the expenditure of a few shillings per annum. Perishable property like that which consisted of houses, must, for rating purposes, be put on an equality with other property, such as land. The commissioners must convert the income arising from house rent into a permanent income. Surely 10*l.* a-year arising from a house could not be considered as at all equal to the same sum arising from land.

Mr. *Sheil* asked what was the course

which this question had taken? The right hon. Baronet now appeared to feel that he was wrong to a certain extent on a point of fact. [Sir *R. Peel*, No.] He thought it was now conceded that the proposition originally made by his hon. and learned Friend the Member for Dublin, which had been strenuously resisted by the Member for Exeter, had some foundation. The hon. and learned Gentleman the Member for Exeter, contended that there was no difference between actual and rateable value. The hon. Baronet admitted a difference, but declared himself unalterable on the subject of the 10*l.* rent. Now, if the hon. Baronet had the wisdom to change his mind, he should have the virtue to change his conduct. He thought that a concession had been made by hon. Members opposite upon a point of fact established by hon. Members at his side of the House—viz., that there was a difference between the rateable and actual value. Instead of engaging in the small sophistications or ingenious subtleties which the hon. Baronet had introduced, but for which the House had no capacity, they should go at once to the broad fact, that between the actual and rateable value there was an essential difference. The difference was as great, in his opinion, as twenty-five per cent. They had got that great point. The hon. Baronet and his party were receding; they would not stick to their proposition; they found themselves wrong in point of fact; they came forward first saying they were open to no proposal, and then made a proposal, founded upon facts which they now admitted, but upon which they were originally in error. There was another fact to which he wished to draw attention. The hon. Baronet had expatiated on the Scotch bill at great length, and quoted the speech of Lord Jeffrey. He had read the speech of the hon. Baronet himself on the English Corporate Reform Bill, in which he said, that the Scotch 10*l.* franchise ought not to be adopted. He referred in that speech to a speech made by the noble Lord not far from him, in which that noble Lord said, that the 10*l.* franchise was too high a qualification. When the English Municipal Bill was at stake, the noble Lord came forward and repudiated the narrow Scotch qualification. He would read his words. [The hon. Member then read an extract from the speech of the noble Lord to that effect.] The hon. Baronet, taking the noble Lord's view of the subject, insisted that there should be a difference between the municipal and Parliamentary franchise, and said he would not require a 10*l.* rating as a qualification. Would they not deal with Ireland as they dealt with their own country? He did not like to use the phrase "justice to Ireland," because it was regarded as a sort of cant phrase; but he would say, that equity to Ireland, if they preferred the term, consisted in equality with England, and on that equality they did insist. He had another point to submit. When the hon. Baronet was in office in 1829, he passed a bill for Ireland, commonly called the Paving and Lighting Bill, conferring powers analogous to those conferred on the corporations—the power of taxing for lighting, paving, and watching. By this bill, however, the corporations were deprived of almost all functions except those he had named. A rate and a franchise were introduced. But what did the right hon. Baronet, and what was the franchise? He took the 5*l.* rent as a qualification according to the 9th George 4th, chap. 82, to which he referred the hon. Baronet. In small towns such as Clonmel he made 5*l.* the test of qualification, and yet by this act 5*l.* householders were to be rejected, and the 10*l.* qualification substituted. He saw no equity — he saw no equality—he saw no sound reason in that. They dwelt upon the point of uniformity. They wanted uniformity between Dublin and Cork, between Waterford and Limerick, between Clonmel and Drogheda; but he wanted a nobler uniformity — he wanted an uniformity between England and Ireland. That was the uniformity he demanded, on which he insisted, and upon which he knew he should prevail. He had said nothing whatever to excite offence, and it would not be inconsistent with his desire to avoid doing so in telling the right hon. Baronet that he was mistaken—that he was pursuing a policy inconsistent with the principle he had admitted, and acting most anomalously in giving to Ireland a different qualification from England and Scotland. Why give them corporate reform at all? They were laughed at two years ago, as just now, when they spoke of justice to Ireland in reference to this measure. What was then a subject of merriment with hon. Gentlemen opposite had now become a subject of concession; and he thought that those whose own experience had taught them to feel they were in error, might misdoubt their own judgment, and have some misgivings as to the propriety of their own conduct. But why make this distinction between the two countries? The noble Lord in his reply had touched upon the cardinal point of the case. He said, that hon. Members opposite acknowledged they were making a different qualification for England and Ireland, because the majority of the people of Ireland are Roman Catholics. It was an admitted fact. He had watched every hon. Member who had succeeded the noble Lord on the opposite side of the House, and he had remarked, that on that subject they were most studiously silent. It was, however, a silence more significant than anything the English language could supply. There was no doubt, then, that they were acting upon that principle of partial legislation. He would submit to anything upon honorable grounds, but when told that his religion was the reason of his disfranchisement, he disdained submission. Let hon. Members opposite not take him to task. Let them take to task their leaders, for they were the men that had made this admission. Tell them that they were wrong in making it; wrong in insisting upon a 10*l.* qualification; and wrong in making that qualification a Church question. If they had not done so, he begged their pardon, and was glad the House was in Committee, as they might have an opportunity of ample retractation.

Sir *Robert Peel* said, he did not rise to reply, but it was of importance that their real intentions should not be misunderstood. What he wished was a 10*l.* franchise. He wished that to be a *bonâ fide* franchise, to be conferred by what in England was called a clear annual value. He was satisfied with the terms of the original act, if they would have given him what would have been really and truly a 10*l.* franchise. He was satisfied with that, but he was not satisfied to let it rest upon the oath or opinion of the party. He said, therefore, that they must call in, as an indispensable condition, the principle of rating, that he must have that check upon the opinion on oath of the party. But he had said from the first, and he continued to repeat, that under the pretext of asking a 10*l.* franchise, he did not seek to establish a higher franchise. The franchise in England was exercised on account of a *bonâ fide* possession of property of the clear annual value of 10*l.*, or, in the words of this act, of the true and real value of 10*l.* He wanted no more. If the Poor-law should raise the franchise from 10*l.* to 12*l.*, upon the same ground that he would not take an 8*l.* franchise in lieu of a *bonâ fide* one of 10*l.*, would he refuse to raise a *bonâ fide* 10*l.* franchise above that which they claimed, and establish a 12*l.* franchise?

Mr. *O'Connell* said, that the right hon. Baronet had over and over again repeated that all he wanted was a 10*l.* franchise. Now, he found in the Scotch bill a 10*l.* franchise, and he asked that bill for Ireland, but in vain. The right hon. Baronet answered him by referring to the evidence of the Fictitious Votes Committee, and showing from the number of persons who had perjured themselves the necessity of guarding the Irish franchise. The inference drawn by the right hon. Baronet from that evidence was, that the Irish people were prone to perjury. The right hon. Baronet might not have the intention of insulting the people of Ireland, but in his conduct he certainly did so. The practice in Scotland was guarded by trial in the first instance, and appeal afterwards. He wished both for Ireland. In the act it was guarded by the words "yearly value of 10*l.*" Why not make the same words equivalent and of the same force in Ireland? He was ready to take the Scotch bill with all its ramifications, but that the right hon. Baronet refused because he wanted, as was too evident, a higher bill for Ireland.

Sir *Robert Peel* appealed to any hon. Member on either side of the House, who had heard his language in the course of this discussion, or on any Irish question, whether he was justly chargeable with either the intention or effect of insulting the Irish people. The hon. and learned Gentleman said, that he (Sir Robert Peel) insulted Ireland, because he implied that they should not intrust the franchise to the hands of the people on account of the tendency there existed to perjury. Now, when he referred to some particular cases of perjury, which the hon. and learned Gentleman, in common with many other hon. Members, had admitted and deplored, had he not said, that he felt it had arisen from an imperfection in the provisions of the law, and not from anything characteristic of the people? With respect to his intention to insult the people of Ireland, the hon. and learned Gentleman said so, because he (Sir Robert Peel) proposed to adopt a different qualification for Ireland and Scotland. If he were guilty of that intention upon such grounds, the noble Lord opposite was equally so. He asked for this test because Parliament had consented to appoint a committee to consider to what degree the prevalence of fictitious voting had defeated the provisions of the Reform Act. He was not aware that any such committee had been appointed for Scotland. There might have been improper divisions of property in Scotland, but had there been any such allegations respecting the municipal corporations? He did find in the report of the committee in the case of Cork and other places, such evidence of the imperfections of the existing law as to prevent his being satisfied with the opinion of the voters alone. It was admitted on all hands, that the temptations to overrate the property, and thereby perjure, were but too observable and too often acted upon. He, therefore, felt, that nothing more strongly showed how impregnable was his situation than the attempts of the hon. and learned Gentleman opposite to create prejudices against him and his proposition. He could assure the House, that the idea of offering insult to the people of Ireland by word or action never once on that or any other question entered his mind.

Mr. *O'Connell* said, that he imputed no motives. He wanted to come to facts, and from facts he drew his conclusions. Cases of fraud had been stated to have occurred in the registration in Ireland; so there had been in Scotland, and frauds not only amongst the lower, but amongst the very highest, classes. He did not say those allegations were true; but if they were, they were such as would degrade some of the worst classes who appeared at the Old Bailey. What he condemned was, that the inference drawn from the alleged frauds in Cork should be, that a different system of legislation should be applied to Ireland from that which was applied to England and Scotland. He did not blame the right hon. Baronet for his language towards Ireland. He blamed him for his conduct. In his words he flattered her, but he insulted her by his conduct.

The Committee divided on the original motion:—Ayes 286; Noes 266:—Majority 20.

List of the AYES.

Abercromby, G.
Acheson, Lord
Adam, Admiral
Aglionby, H. A.
Aglionby, Major
Ainsworth, P.
Alston, R.
Andover, Lord
Anson, hon. Col.
Anson, Sir G.
Archbold, R.
Attwood, T.
Bainbridge, E. T.
Baines, E.
Ball, N.
Bannerman, A.
Barnard, E. G.
Barron, H. W.
Barry, G. S.
Beamish, F. B.
Bellew, R. M.
Bentinck, Lord W.
Berkeley, hon. G.
Berkeley, hon. C.
Bewes, T.
Blackett, C.
Blake, W. J.
Blewitt, R. J.
Blunt, Sir C.
Bodkin, J. J.
Brabazon, Lord
Bridgeman, H.
Briscoe, J. I.
Brocklehurst, J.
Brodie, W. B.
Brotherton, J.
Browne, R. D.
Bryan, G.
Buller, E.
Bulwer, E. L.
Busfield, W.
Byng, G.
Byng, right hon. G. S.
Callaghan, D.
Campbell, Sir J.
Campbell, W. F.
Carnac, Sir J. R.
Cave, R. O.
Cavendish, hon. C.
Cavendish, C. H.
Cayley, E. S.
Chalmers, P.
Chapman, Sir M.
Chester, H.
Chetwynd, Major
Chichester, J. P.
Clay, W.
Clements, Lord
Clive, E. B.
Collier, J.
Collins, W.
Colquhoun, Sir J.
Cowper, hon. W.
Craig, W. G.
Crawford, W.
Crawley, S.
Crompton, S.
Currie, R.
Curry, W.
Dalmeny, Lord
Dashwood, G. H.
Davies, Col.
Dennison, W. J.
Dennistoun, J.
D'Eyncourt, C. T.
Divett, E.
Duckworth, S.
Duff, J.
Duke, Sir J.
Duncan, Lord
Duncombe, T.
Dundas, C. W. D.
Dundas, F.
Dundas, hon. J.
Dundas, hon. T.
Easthope, J.
Ebrington, Lord
Edwards, J.
Elliot, hon. J. E.
Ellice, Captain A.
Ellice, right hon. E.
Erle, W.
Etwall, R.
Evans, Sir G.
Evans, G.
Evans, W.
Fielden, J.
Fenton, J.
Fergusson, Sir R.
Fergusson, R.
Fergusson, C.
Finch, F.
Fitzgibbon, Col.
Fleetwood, P. H.
French, F.
Gillon, W. D.
Gordon, R.
Goring, H. D.
Greenaway, C.
Grey, Sir C.
Grey, Sir G.
Grosvenor, Lord R.
Grote, G.
Guest, J. J.
Hall, B.
Hallyburton, Lord
Handley, H.
Harland, W. C.
Harvey, D. W.
Hastie, A.
Hawes, B.
Hawkins, J. H.
Hayter, W. G.
Heathcoat, J.
Hector, C. J.
Heneage, E.
Hindley, C.
Hobhouse, right hon. Sir J.
Hobhouse, T. B.

Holland, R.
Horsman, E.
Hoskins, K.
Howard, F. J.
Howard, P. H.
Howard, R.
Howick, Visct.
Hume, J.
Humphery, J.
Hurst, R. A.
Hutt, W.
Hutton, R.
James, W.
Jephson, C. D. O.
Jervis, J.
Jervis, S.
Johnson, Gen.
Kinnaird, A. F.
Labouchere, rt. hn. H.
Lambton, H.
Langdale, hon. C.
Lascelles, hon. W. S.
Lefevre, C. S.
Lemon, Sir C.
Leveson, Lord
Lister, E. C.
Loch, J.
Lushington, Dr.
Lushington, C.
Lynch, A. H.
Macnamara, W.
M'Taggart, J.
Maher, J.
Marshall, W.
Marsland, H.
Martin, J.
Maule, W. H.
Melgund, Visct.
Mildmay, P. St. J.
Milton, Visct.
Moreton, A. H.
Morpeth, Visct.
Morris, D.
Murray, rt. hn. J. A.
Muskett, G. A.
Nagle, Sir R.
O'Brien, W. S.
O'Callaghan, hon. C.
O'Connell, D.
O'Connell, J.
O'Connell, M. J.
O'Connell, M.
O'Connor, Don
O'Ferrall, R. M.
Ord, W.
Paget, Lord A.
Paget, F.
Palmer, C. F.
Palmerston, Visct.
Parker, J.
Parnell, rt. hn. Sir H.
Parrot, J.
Pattison, J.
Pease, J.
Pechell, Captain
Pendarves, E. W.
Phillips, Sir R.
Philips, M.
Philips, G R.
Philpotts, J.
Pinney, W.
Ponsonby, C. F. A. C.
Ponsonby, hon. J.
Power, J.
Power, J.
Price, Sir R.
Protheroe, E.
Pryme, G.
Redington, T. N.
Rice, E. R.
Rice, rt. hn. T. S.
Rich, H.
Roche, E. B.
Roche, W.
Rolfe, Sir R. M.
Rumbold, C. E.
Rundle, J.
Russell, Lord John
Russell, Lord
Russell, Lord C.
Salwey, Colonel
Sanford, E. A.
Scholefield, J.
Scrope, G. P.
Seale, Colonel
Seymour, Lord
Sharpe, General
Sheil, R. L.
Shelborne, Earl
Slaney, R. A.
Smith, B.
Smith, hon. R.
Somers, J. P.
Somerville, Sir M. W.
Spiers, A.
Spencer, hon. F.
Standish, C.
Stanley, E. J.
Stanley, W. O.
Stansfield, W. R C.
Staunton, Sir G. T.
Stewart, J.
Stuart, Lord J.
Stuart, V.
Strangways, hon. J.
Strickland, Sir G.
Strutt, E.
Style, Sir C.
Surrey, Earl of
Talbot, C. R. M.
Talfourd, Serg.
Tancred, H. W.
Thomson, rt. hn. C. P.
Thornely, T.
Townley, R. G.
Troubridge, Sir E. T.
Turner, W.
Verney, Sir H.
Vigors, N. A.
Villiers, C. P.
Vivian, Major C.
Vivian, J. H.
Vivian, rt. hon. Sir R.
Walker, C. A.
Walker, R.
Wall, C. B.
Wallace, R.
Warburton, H.
Ward, H. G.
Weymss, J.E.
Westenra, hon. H. R.
Westenra, hon. J. C.
White, A.
White, S.
Wilde, Sergeant
Williams, W.
Williams, W. A.
Wilshere, W.
Winnington, T. E.
Winnington, H. J.
Wood, Sir M.
Wood, G. W.
Worsley, Lord
Woulfe, Sergeant
Wrightson, W. B.
Wyse, T.
Yates, J. A.

TELLERS.

Steuart, R.
Wood, C.

List of the NOES.

Acland, T. D.
A'Court, Captain
Adare, Viscount
Alford, Visct.
Alsager, Capt.
Arbuthnott, hon. H.
Archdall, M.
Ashley, Lord
Ashley, hon. H.
Attwood, W.
Attwood, M.
Bagge, W.
Bagot, hon. W.
Bailey, J.
Bailey, J., jun.
Baillie, Colonel
Baker, E.
Baring, hon. F.
Baring, H. B.
Baring, hon. W. B.
Barneby, J.
Barrington, Visct.
Bateson, Sir R.
Bell, M.
Bentinck, Lord G.
Bethell, R.
Blackburne, I.
Blackstone, W. S.
Blair, J.
Blakemore, R.
Blandford, Marquess
Blennerhassett, A.
Boldero, H. G.
Bolling, W.
Bradshaw, J.
Bramston, T. W.
Broadley, H.
Brownrigg, S.
Bruce, Lord E.
Bruges, W. H. L.
Buller, Sir J. Y.
Burdett, Sir F.
Burrell, Sir C.
Burroughes, H.
Calcraft, J. H.
Campbell, Sir H.
Canning, rt. hn. Sir S.
Cartwright, W. R.
Chandos, Marquess of
Chapman, A.
Chute, W. L. W.
Clive, Lord
Clive, hon. R. H.
Codrington, C. W.
Cole, hon. A. H.
Cole, Lord
Compton, H. C.
Conolly, E.
Corry, hon. H.
Courtenay, P.
Cresswell, C.
Crewe, Sir G.
Cripps, J.
Dalrymple, Sir A.
Damer, hon. D.
Darby, G.
Darlington, Earl of
De Horsey, S. H.
Dick, Q.
D'Israeli, B.
Dottin, A. R.
Douglas, Sir C.
Douro, Marquess of
Dowdeswell, W.
Duffield, T.
Dugdale, W. S.
Dunbar, G.
Duncombe, hon. A.
Dungannon, Lord
East, J. B.
Eastnor, Lord
Eaton, R. J.
Egerton, W. T.
Egerton, Lord F.
Egerton, Sir P.
Ellis, J.
Estcourt, T.
Estcourt, T.
Farnham, E. B.
Farrand, R.
Fellowes, E.
Ferguson, Sir R. A.
Filmer, Sir E.
Fleming, J.
Foley, E. T.
Follett, Sir W.
Forrester, hon. G.
Fox, G. L.
Freshfield, J. W.
Gaskell, J. Milnes
Gibson, T.
Gladstone, W. E.
Glynne, Sir S. R.
Goddard, A.

Godson, R.
Gordon, hon. Capt.
Gore, Ormsby J. R.
Gore, Ormsby, W.
Goulburn, H.
Graham, Sir J.
Greene, T.
Grimsditch, T.
Grimston, Lord
Grimston, hon. E. H.
Hale, R. B.
Halford, H.
Harcourt, G. G.
Harcourt, G. S.
Hardinge, Sir H.
Hayes, Sir E.
Heathcote, Sir W.
Heneage, G. W.
Henniker, Lord
Hepburn, Sir T.
Herbert, hon. S.
Herries, rt. hon. J. C.
Hill, Sir R.
Hinde, J. H.
Hodgson, F.
Hodgson, R.
Hogg, J. Weir
Holmes, W. A'C.
Holmes, W.
Hope, G. W.
Hope, H. T.
Hotham, Lord
Houldsworth, T.
Houstoun, G.
Howard, hon. W.
Hughes, W. B.
Hurt, F.
Ingestrie, Visct.
Ingham, R.
Inglis, Sir R. H.
Irton, S.
Irving, J.
Jackson, Sergeant
James, Sir W. C.
Jenkins, R.
Jermyn, Earl of
Johnstone, Hope
Jones, J.
Jones, T.
Kelly, F.
Kemble, H.
Kerrison, Sir E.
Knatchbull, Sir E.
Knightley, Sir C.
Law, hon. C. E.
Lefroy, right hon. T.
Liddell, hon. H. T.
Lincoln, Earl of
Lockhart, A. M.
Long, W.
Lowther, Colonel
Lowther, Lord
Lowther, J. H.
Lucas, E.
Lygon, hon. General
Mackenzie, T.
Mackenzie, W. F.
Mackinnon, W. A.
Maclean, D.
Mahon, Visct.
Maidstone, Lord
Manners, Lord C. S.
Marton, G.
Master, T. W. C.
Mathew, G. B.
Meynell, Captain
Miles, P. W. S.
Miles, W.
Miller, W. H.
Monypenny, T. G.
Mordaunt, Sir J.
Morgan, C. M. R.
Neeld, Jos.
Neeld, J.
Nicholl, J.
Noel, W. M.
Norreys, Lord
Ossulston, Lord
Owen, Sir J.
Packe, C. W.
Pakington, J. S.
Palmer, R.
Palmer, G.
Parker, M.
Parker, R. T.
Parker, T. A.
Patten, J. W.
Peel, rt. hon. Sir R.
Peel, Colonel J.
Pemberton, T.
Perceval, Colonel
Perceval, hon. G.
Pigot, R.
Planta, J.
Plumptre, J. P.
Polhill, F.
Pollen, Sir J.
Pollock, Sir F.
Powell, Colonel
Praed, W. M.
Praed, W. T.
Price, R.
Pringle, A.
Reid, Sir J. R.
Richards, R.
Rickford, W.
Rolleston, L.
Rose, Sir G.
Round, C. G.
Round, J.
Rushbrook, R.
Rushout, G.
St. Paul, H.
Sanderson, R.
Sandon, Lord
Scarlett, hon. J.
Shirley, E. J.
Sibthorp, Col.
Sinclair, Sir G.
Smith, Abel
Smyth, Sir G. H.
Somerset, Lord G.
Spry, Sir S. T.
Stanley, E.
Stanley, Lord
Stormont, Lord
Sturt, H. C.
Sugden, Sir E.
Teignmouth, Lord
Tennent, J. E.
Thompson, Alderman
Thornhill, G.
Trench, Sir F.
Trevor, hon. G. R.
Tyrell Sir J. T.
Vere, Sir C. B.
Verner, Colonel
Vernon, G. H.
Villiers, Visct.
Vivian, J. E.
Waddington, H. S.
Walsh, Sir J.
Welby, G. E.
Whitmore, T. C.
Wilbraham, B.
Williams, R.
Williams, T. P.
Wodehouse, E.
Wood, Colonel T.
Wood, T.
Young, J.
Young, Sir W.

TELLERS.
Clerk, Sir G.
Fremantle, Sir T.

Paired off.

FOR.	AGAINST.
Baring, F. T.	Acland, Sir T.
Berkeley, hon. H.	Alexander, Lord
Blake, M. J.	Broadwood, H.
Bowes, John	Burr, H. D.
Butler, P.	Cantalupe, Lord
Childers, J. W.	Christopher, R. A.
Clayton, Sir W. R.	Colquhoun, J.
Codrington, Sir E.	Cooper, E. J.
Conyngham, Lord A.	Copeland, Alderman
Dunlop, John	Davenport, J.
Ellice, rt. hon. E.	Duncombe, H. W.
Fitzalan, Lord	Feilden, W.
Fitzpatrick, J.	Fitzroy, H.
Fitzroy, Lord C.	Granby, Lord
Fitzsimon, N.	Hillsborough, Lord
Fort, John	Knight, H. G.
Heron, Sir R.	Litton, Edward
Hill, Lord M.	Marsland, T.
Leader, J. T.	Maunsell, T.
Maule, Fox	Maxwell, H.
O'Brien, C.	Milnes, C.
O'Connell, Maurice	O'Neill, General
Roche, D.	Powerscourt, Lord
Smith, J. A.	Shaw, F.
Stanley, Massey	Stewart, J.
Talbot, J. H.	Thomas, Colonel
Turner, Edmund	Wyndham, Wadham
White, Luke	Wynn, right hon. C.
White, Henry	Wynn, Sir W.

* * *

HOUSE OF LORDS,

Tuesday, June 12, 1838.

MINUTES.] Bill. Read a third time:—Church Buildings Act Amendment.

Petitions presented. By the Bishop of ELY, from certain Clergy of his Diocese, against the system of Public Education in Ireland.—By Earl FITZWILLIAM, from a place in Yorkshire, for alterations in the Factory Act.—By the Bishop of EXETER, from Dudley and Flamborough, by the Earl of TANKERVILLE, from various Religious Congregations at Grantham, Birmingham, Wokingham, and many other places, by Lord BROUGHAM, from Religious Congregations, and others in Tutbury, Deptford, Greenwich, Bolton, and other places, and by Lord ASHBURTON, several, for the Immediate Abolition of Negro Apprenticeship.

IMPRISONMENT FOR DEBT.] The

Lord Chancellor said, that the principle of the Imprisonment for Debt Bill, of which he rose to move the third reading, was fully considered on the second reading, but as their Lordships had referred it to a select committee, and that committee had made considerable alterations in it, he thought it right to call their Lordships' attention to those alterations. Their Lordships would recollect that this bill originally came from the House of Commons last Session, within a few days of the prorogation of Parliament, which prevented the consideration of it by their Lordships at that time. The bill having had the sanction of the other House, he thought, that on introducing it to their Lordships during the present Session it was best to offer it in the shape in which it had passed the Commons. In the bill so presented it was proposed to abolish imprisonment for debt in both stages of a suit,—namely, on mesne process and also in execution. In the select committee to which their Lordships referred the bill there was very little difference of opinion as to the propriety of abolishing arrest upon mesne process. But when they came to consider how far it was possible altogether to abolish imprisonment in execution, very considerable difficulties occurred. He individually was anxious, if possible, to effect that object; but on consideration of the reasons urged by the other Members of the committee, he became satisfied that the total abolition of imprisonment in execution could not safely be resorted to. He could not see how it was possible to insure the due application of all the property which a debtor might possess, of a nature not tangible by any legal process, and which could alone be obtained by a pressure upon the person, without resorting, in some degree, to imprisonment in execution. Another reason why it was impossible to abolish imprisonment altogether was the necessity of giving effect to the jurisdiction of courts for the recovery of small debts. The description of persons sued in those courts excluded the idea of their having property that was capable of being taken in execution. That was so strongly felt, that a provision in the original bill prohibited those courts from arresting the person in any case. The jurisdiction of those courts, which were most important and beneficial to the public, would, he apprehended, become very ineffectual, and probably would cease altogether, if some means were not provided by which they could enforce their orders and decisions. It appeared, therefore, to the select committee, that it was not consistent with what was due to the creditor altogether to abolish imprisonment in execution. It next became the duty of the committee to consider by what means they could reduce imprisonment in point of time, and what inducements they could hold out to the creditor to resort to that last extremity in the fewest possible cases; and the committee had accordingly amended the bill, with a view to attain those two objects. That was the great and principal alteration which had been adopted by the committee. The bill, as it originally came from the House of Commons, with a view to relieve the debtor from imprisonment, by enabling the creditor to obtain payment, as far as possible, out of such property as the debtor possessed, proposed to make various descriptions of property, which, as the law now stood, were not liable to be taken in execution for debt, subject to that process. Their Lordships were aware that, as against the freehold property of the debtor, the creditor had at present the most ineffectual and absurd remedy that could possibly be devised. The creditor, by a writ of *elegit*, could take one moiety or half-part of the profits of the estate of the debtor. A second creditor could take another moiety of the remainder, and so the process might go on till the property of the debtor was nearly exhausted; but it never could be wholly taken from him, because there must remain a fragment in the shape of a half of the property against which the last writ of *elegit* was issued. This process was not very ineffectual, but led to great litigation, and was by no means calculated to satisfy the demands of the creditor. The proposition in the original bill was, that the remedy by writ of *elegit* should extend to the whole of the profits of the estate. To that the select committee had added a further provision, which he trusted would not appear to their Lordships to be more than what ought to be given to the creditor. It was this—that the judgment having been regularly registered, after the expiration of a year from that time the creditor should be considered as having an equitable lien on the estate itself, not for the purpose of obliging him to go into the market under unfavourable circumstances, but for the purpose of enabling him to enforce his equitable lien in the ordinary way, namely, through the instrumentality of the Court of Chancery. At present the creditor had a remedy only against the profits of the estate, but by giving him an equitable lien on the estate itself he might ultimately obtain the freehold. The interest of the debtor, however, was sufficiently protected, for a whole year after the judgment had been registered would be allowed him to raise money on his property for the discharge of the debt, if it did not amount to the full value of the estate itself, by which means he might still retain possession of the freehold; but if the debt did amount to the full value of the estate, then he was sure their Lordships would admit that it was right that the creditor should be able to dispose of the property in order to recover his debt. Copyhold property would be made subject to the like provisions as were applied to freehold. There were other descriptions of property which were at present free from the operation of a writ of execution for debt. Whatever amount of property the debtor might have in the public funds, or might have invested in shares in companies of various descriptions (of which there were now so many), the creditor had no means of touching it. The committee thought that property so circumstanced should not be exempt from the operation of the law for the purpose of enforcing the payment of debts. By the original bill it was provided, that property which stood in the name of the debtor in the public funds should be liable to a judge's order for the payment of the creditor suing. But that course was obviously open to this difficulty, that possibly, the money might not belong to the debtor in whose name it stood; he might be a trustee for others. For although it was not usual for money to stand in the name of one trustee, still it was not an impossible case. To obviate this difficulty, it was by the same bill proposed that the judge before whom the application was made should ascertain and certify, that the money was the property of the debtor. That, he apprehended, might lead to abuse; it might lead to property being made liable for a debt which did not belong to the debtor. In order to guard against this abuse it was proposed, in the select committee, to give the creditors, upon obtaining judgment and getting it registered, the same equitable lien upon stock, or upon shares in public companies and various other descriptions of property, as was proposed to be given with respect to the landed property of the debtor. But there were still other descriptions of property to which the ordinary process of execution did not extend, such as bank notes, promissory notes, and bills of exchange. With respect to bank notes there was no difficulty, because they could be treated by the sheriff as money. But a difficulty would arise in applying that principle to promissory notes and bills of exchange, which might be in possession of the debtor, inasmuch as they could not be made immediately available to satisfy the creditor. In the original bill it was proposed, that the creditor should have the power given to him of bringing an action upon such bills of exchange or promissory notes, and pay himself out of the proceeds, accounting to his debtor for the surplus. But their Lordships' Committee supposed, that this might be subject to abuse, by the creditor withholding the surplus after paying himself, and thus becoming in turn the debtor of the original debtor. In order to guard against the possibility of any such abuse, the provision, as it now stood in the bill was, that the action on such promissory notes or bills of exchange should be brought by the sheriff, and having done so, he should, out of the proceeds, retain so much as would pay the creditor's demand, and then be accountable to the original owner of those securities for the surplus, if any there were. These various provisions were for the purpose of doing justice to the creditor, by enabling him if possible to obtain the payment of his debt; but their Lordships would see when he came to state the further provisions of the bill, that the measure would have other effects most beneficial to the debtor. The provisions he had hitherto described having been introduced for the satisfaction of the creditor, it was the unanimous opinion of the committee that arrest upon mesne process should be abolished. But the creditor having brought his action and obtained judgment, and all these opportunities being afforded him for procuring payment of his debt, it was obviously necessary to provide for the event of his not, after all, being able to find any property belonging to his debtor. This might arise in various cases, and yet the debtor might, notwithstanding, possess the means of paying the debt, though his property might not be tangible in execution. In such circumstances payment could only be obtained by pressure upon the person. The debtor, for instance, might possess property in foreign funds, which the sheriff could not obtain, though the debtor had the means of producing it. Another reason against the total abolition of imprisonment in execution was, that if that were to be the law, it would be impossible to guard against fraud. A party finding his creditor pressing upon him for payment, would endeavour to put his property out of his creditor's reach, by placing it in foreign securities; then if his person were made entirely free from arrest, the creditor would necessarily be without remedy. It, therefore, appeared to the committee that it was impossible to do justice to the creditor, and prevent fraud on the part of the debtor, without giving to the creditor, under the circumstances he had mentioned, the right of seizing the person of the debtor. Their Lordships were aware, that by an act, which would, however, expire in the present year, a debtor might be released from prison by means of the Insolvent Debtors' Court, on condition of satisfying that court that he had given up all his property, not for the purpose of paying any particular creditor, but for the purpose of being divided amongst the creditors at large. Whatever might have been said of the provisions of that law it was obviously now become too much a part of the law of the land, to permit the law to relapse into the state in which it was before that act passed. The state of the law before the Insolvent Act passed was infinitely worse than it was now. If that Act was exceedingly well administered, as he believed it had been, although it was impossible in all cases to avoid fraud, and, although, the dividends received under the Act had been very small, yet their Lordships would not feel that this was the time to permit the law to relapse into that state in which a debtor, if he once got into prison, whether he could pay or not, must remain there so long as his creditor chose to keep him. There was, however, one great defect in the present law, which left it open to this greatest of all abuses, namely, that a defendant who had the means of paying his creditors, but whose property was so circumstanced that they could not get at it, might go to prison and set his creditors at defiance, yet enjoy every indulgence which persons being in confinement on execution for debt were accessible to. By staying in prison he might live upon and enjoy his fortune in spite of his creditors. Yet if he felt disposed to give up his property he might come out of prison at any time, because the Insolvent Debtors' Act could only be put into operation upon the application of the debtor himself. The creditor had no means of enforcing it. This was obviously unjust towards the creditor. The committee considered, that the creditor should have the opportunity of putting the Insolvent Debtors' Act in force as well as the debtor. But in giving him this power it would be first necessary that he should imprison the debtor. Their Lordships would perceive by the provision on this head how far the interests of the debtor were considered; but at the same time, what inducements were held out to the creditor not to enforce the law of arrest in execution if he could obtain payment without it? So long as the creditor could find property belonging to the debtor he would have the right of applying that property to the payment of his own individual debt, provided he had not resorted to the law of arrest in execution; but having once imprisoned his debtor then there would be allowed twenty-one days, during which the debtor alone might apply to enforce the provisions of the Insolvent Act; or during that period of time the debtor might, by satisfying the demand of the individual creditor at whose suit he was arrested, obtain his liberation. Any other creditor might pursue the same operation if he pleased, but those alone engaged in the contest would be the particular creditor and debtor. If, however, after twenty-one days the defendant did not satisfy the debt, or apply for the benefit of the provisions of the Insolvent Debtors' Act, then the creditor would have the power of applying to the court to put into operation the provisions of that act, but the effect of which would be immediately to vest all the property of the debtor in an assignee, who would hold it, not for the benefit of the individual creditor suing, but for all the creditors of the insolvent debtor generally. The bill had become one of considerable bulk; but the new portion of it was principally comprehended in the twentieth section. The noble and learned Lord then recapitulated the provisions of the measure. It abolished arrest for debt on mesne process; but in cases in which it appeared, that the debtor was about to leave the country, on application to a judge, satisfying him of the existence of the debt, and of the intention to abscond, the judge was to have the power of directing the issue of a warrant for the arrest of the debtor; and after judgment he was to have the power of compelling the debtor to surrender all his property. Their Lordships' committee had taken this and all other points connected with the subject into their most serious consideration; and they thought, that the adoption of the measure, in its present form, was the most likely way of effecting the desirable objects in view. He, therefore, moved the third reading of the bill.

Lord *Ashburton* said, that notwithstanding the crude manner in which this measure had been originally brought forward, great benefit would arise to the country from the way in which the inquiry connected with it had been conducted, and also from the manner in which the subject had been treated by the noble and learned Lord who had just preceded him. Many theorists had maintained, that there ought to be no arrest whatever of persons for debt; but, in his opinion, such a practice would be most injurious to the mercantile interests, and in opposition to good feeling and moral consideration. Unlearned as he was on this question, as to the benefit of the creditor having by the means of arrest, easy access to the property of the debtor, and the equity and justice with which that property was distributed amongst the creditors, yet still he was disposed to maintain his opinion that personal arrest for debt was necessary to the security, not of the great transactions of the country, but of the immensely numerous small transactions in which credit was given; for if the power of arrest were taken away, there would be great difficulty in getting at the property of the debtor. In the smaller courts of law, in nine-tenths of the cases of arrest, the money was immediately forthcoming, and was paid before the person was incarcerated. He thought arrest, therefore, was a great security in small money transactions, and as the only means of ascertaining whether the debtor possessed property or not; and as there was already a wise law, which this bill very properly renewed, making it impossible for the honest debtor to remain in prison for a longer term than a few weeks, it surely was no hardship in putting a check on the recklessness of persons in getting into debt. By the criminal law persons were punished for stealing to the smallest amount; and was it therefore fair not to have some punishment for those who took property in the way of credit from the honest dealer? They might plead total inability to pay, and this would, in that case, be the only remedy the dealers would have. It was perfectly well known, that there were persons who were living in luxury on property which ought by right to belong to their creditors, but they took means to evade the law by transferring their property to some friend or relative. Directly they were arrested, however, they found the means of relieving themselves, and of avoiding imprisonment. He was anxious to state these few observations to their Lordships; for, as some persons who dealt in generalities said, that it was unjust to inflict imprisonment at all on any unfortunate debtors, he must say, that he felt persuaded such an idea was a delusion, and that it was founded on a great mistake.

Lord *Brougham* said, that nothing could be more fair and candid than the statement which his noble Friend had just made, and there was no higher authority on such a subject, acquainted as his noble Friend was, with the great mercantile transactions of the country. Nevertheless he really thought, that his noble Friend had all along eschewed one most material consideration—viz. the arrest of a person who had no property; for he seemed to take for granted, that persons who were arrested always had property at their disposal, whereas those who were in favour of the bill assumed the contrary principle, and thought there were few of those who were arrested to whom the remarks of his noble Friend would apply, as to their having the means of paying their debts if they chose. Never had a subject been more fully investigated by any men than this particular question had been by the commissioners, in order to ascertain whether generally debtors were more unwilling than unable to pay the demands on them, and the commissioners had come to a decision, that there was a much smaller proportion of the former than the latter, on which ground they ultimately made up their minds not only to abolish arrest on mesne process, but also to abolish it in writs of *capias ad satisfaciendum.* His noble friend must know, that at present a creditor had only to purchase a writ, and, whether it was right or not, the debtor might wait six-months before it could be decided by a judge, and yet in the mean time the man was confined in prison. He did not wish to argue the matter on theoretical, but on practical grounds, and on those grounds he had come to the same conclusion as to the effect of arrest which four to one out of the commissioners had come to. There were many great dealers in the country, such as grocers, who gave credit to a great number of persons for small sums, whose money transactions might average 400.000*l.* or 500,000*l.* a year, and who had given their evidence in favour of its abolition. But there arose another important circumstance, as to the kind of arrest which mercantile men and shopkeepers were anxious to retain. It was not that of execution or of arrest after judgment, but that of mesne process, the one of all others the most liable to abuse, inasmuch as the claim of the plaintiff was not always certain. He agreed with his noble friend that the bill had assumed a very different shape from that which it bore originally, and, although it was the same in principle, still it was a different measure; not, indeed, because instead of having only thirty-six clauses, that number had been extended to 116, but because the whole machinery was altered, and it was not liable to so many practical objections as had been urged against it by mercantile men. It was true that the greatest praise was due to the committee for their lengthened investigations as to the details, and although he was a Member of that committee, yet his duties as one of the Privy Council had not allowed him to attend to it as he could have wished, and he therefore deserved no share of the praise; but they were much indebted to his noble and learned Friend on the woolsack, and to his noble and learned Friend opposite (Lord Lyndhurst), who had proposed most of the alterations that had been made in the bill. There were, however, he thought, one or two great defects, but still the enlargement of the security of the debtor would be a great benefit to England. He did not know that this was wanted in Scotland, but as Ireland still laboured under what was now the old English law, this measure ought to be extended to that country, and he hoped it would not be too late this Session to effect that object. It was anomalous after the union between the two countries to hold out the advantage of this bill to the one, and to tell the other she must continue to labour under her old hardship. There was another objection forming a very important flaw in the measure, which he did not see any means at present of remedying, but which might be remedied hereafter. What he meant was, that if he had expected one thing more than another to arise from this bill, it was limiting the present mode of giving credit, which was now obtained to such an extent in this country. His noble friend had spoken of arrest as a check on the recklessness of persons in getting into debt, but he believed, that persons very frequently got into debt from the recklessness of those who gave credit. It converted what would otherwise have been a competition in cheapness and excellence into a different kind of competition, and by no means a desirable one—viz., who should give credit the easiest. He himself had heard from a very respectable tradesman in this town, that he had a regular book by which he could show how much he added to every bill for the credit he allowed. That was the usual course, but he hoped it would soon be at an end. But then, what was the consequence of this limitation of credit? That a number of poor people would not be able to obtain credit, and the difficulty would press very heavily on them. They had not bankers to apply to, the same as their Lordships, and they could not overdraw their accounts in the same manner, but, on the contrary, many of them did not receive their money until some time after their work was done. Now, if arrest in execution had been taken away, much of the evil arising from this would not occur, but as it remained in the bill, creditors might avail themselves of it by a very easy process. They would, no doubt, find the swiftest way of entering into execution; they would procure a number of blank cognovits at almost a farthing's expense, since they did not require a stamp, and then say to the poor persons, "You want certain goods, but you shall have no credit without you sign this paper." That would answer their purpose just as well as arrest on mesne process, because judgment might be entered in 500 cognovits in five minutes in the court in which they had been recorded, and it would enable a creditor to arrest as many debtors as quickly as if he were to apply to the Queen's Bench Office, and obtain writs on mesne process. The only difference would be in the name, that one would be called "in mesne process," and the others "in execution," but at the same time he did not see how it could be avoided. [Lord *Langdale:* The presence of an attorney is necessary to the signing of a cognovit.] There would be no difficulty as to that point. There was much required, certainly, in improving the jurisdiction of the Insolvent Debtors' Court, which was at present extremely defective, from its want of power, from the want of officers, but principally from the want of official assignees. In the new Court of Bankruptcy, the appointment of a greater number of assignees had worked so well, that out of the great proportion of monies collected under the new act, there had been on an average collected not less than 80 per cent. out of all debts from 1,000*l.* downwards. There was a great want of such assignees in the Insolvent Court, and it would be most beneficial if their number were increased.

The Earl of *Wicklow* regretted, that no security had been given, that a similar bill should be extended to Ireland, and signified his intention of introducing a measure on the subject.

The *Lord Chancellor* said, that he should be glad to lend all his assistance in forwarding any bill that would extend a similar boon to Ireland, but it would be necessary to introduce a separate measure, as the present only applied to English Insolvent Debtors' Courts.

Lord *Abinger* was willing to acknowledge, that the bill was now in an amended form, but he must be allowed to express considerable doubts as to its giving satisfaction. The creditors, generally speaking, had not petitioned for it. There might have been some who expressed their opinions on the subject, but he believed they were few or none at all who had petitioned in favour of this bill. Creditors would not be satisfied with this bill, because the security for recovering their debts was impaired; and the debtors would not approve of it, because the great body of the persons who had petitioned in favour of some change with regard to the law of imprisonment for debt were precisely those persons whom this bill would affect in such a way as to compel them, very much against what they deemed to be their own interest, to make a surrender of their property to their creditors. By the Lords' Act when a man's debts were not of a larger amount than 300*l.* he might, after a year's imprisonment, be brought up before the court, and compelled to make an assignment of all his property under pain of transportation. But when his debts exceeded 300*l.* he was not liable to have any such proceeding taken against him; and the consequence was, that he preferred living many years in prison and enjoying his property to making an assignment of it, or taking advantage of the Insolvent Act. It was obvious, that this class which refrained from taking advantage of the Insolvent Debtors' Act must be opposed to the present bill for taking their property from them by a summary process. He certainly thought, that a great improvement in the law might be effected by diminishing the power of imprisonment for debt on mesne process, and thus advancing the liberty of the subject, while, at the same time, that which was most essential to the liberty of the subject might be preserved—he meant the security of the creditors against their debtors. As to this country or commerce itself existing without credit, the notion was absurd. He remembered a Dutch proverb—and the Dutch were a good authority on this subject—which said, "You can bear up against the loss of your friend, or the failure of your banker, but if you lose your credit you lose everything." As credit must unquestionably be given, he thought the law was best which made the debtor feel, that his interest coincided with the moral obligation which he laboured under to pay his debts; and he could not help thinking, that the apprehension which a man suffered of the consequences of his not discharging his liabilities had a very considerable influence in inducing the greater part of mankind to meet them. It was well known, that there was a large number of persons in this metropolis who had no substantial property, and whose income were yet sufficient to enable them to support themselves and families in affluence He alluded to such persons as clerks in government offices and merchants' clerks. What did the creditor gain by his process of execution under this bill against such persons? Nothing. It was said, that this law would make the creditor more cautious as to whom he trusted. But it was admitted, that the shopkeeper was induced to give credit from the competition in his calling; the greater the danger of bad debts the stronger was the necessity for enlarging the number of debtors, in order to secure himself against ultimate loss. He gave his consent to this Bill with great doubt. He did not mean to say, that some measure was not requisite on the subject, because the incessant agitation of the question elsewhere called for legislation. He was not aware, that a better measure could be propounded at present, though he had great fears as to any advantage resulting from it, and he apprehended, that it would be soon found not to answer all the purposes even of those most desirous of passing it.

The *Lord Chancellor* said, it would be impracticable to appoint official assignees under this act. The property involved in the bankruptcy courts was very large, and a provision for the official assignees was readily made; but in the insolvent courts the property would be comparatively small, and would consequently not afford such a provision. However, by the bill, an officer whose duties corresponded with an official assignee might be appointed by the commissioners, if they thought it expedient, with a salary of five per cent. on the property recovered.

Bill read a third time, and passed.

HOUSE OF COMMONS,

Tuesday, June 12, 1838.

Minutes.] Bill. Read a first time:—Highway Act Amendment.

Petitions presented. By Viscount Dungannon, from Stockton-on-Tees, for certain Endowments for the University of Durham.—By Mr. G. Langton, from Somersetshire, against the Beer Act; and for the Immediate Extinction of Slavery in the West Indies.—By Mr. Mackinnon, from individuals in Exeter and London, in favour of the Patents and Inventions Bill.—By Mr. Pakington, from the Magistrates of the county of Worcester, against the provisions of the County Court Bill.—By Mr. O'Connell, from Coombe Hospital, Dublin, against certain Clauses in the Medical Charities Bill; from the inhabitants of New Ross, praying not to be excluded from the benefits of the new Corporations; and from the River Pilots of the port of Dublin, that their rights may not be infringed by the Bill for altering the Pilotage Laws without compensation.—By Mr. Wallace, from the United Secession Congregation of the town of Greenock, against any further Endowment of the Church of Scotland; and against any further Grant to the Parochial Schools of Scotland; from King's Lynn, and from the farmers and Graziers of Leith Market, for a reduction in the rate of Postage.

Carmarthen County Election—Breach of Privilege.] Mr. *Warburton* rose, to call the attention of the House to the Petition from the county of Carmarthen, presented on the 29th of May last, complaining of the interference of the steward of a peer at the last election for that county. The act complained of was, that Earl Cawdor, being a peer of Parliament, had interfered in matters affecting the election of Members of the House of Commons, and had the acts done by the noble Earl, a peer of Parliament, been lawful in a commoner, he should have used his influence with the complaining parties not to bring the matter before the House, but as the nature of their complaint was, that Earl Cawdor, through the means of his agents, had exercised improper influence and coercion over his tenants at the last election of Members of the House of Commons; conduct which would have been improper in a commoner, he was induced to bring the matter before the House. The matters complained of were stated on the authority of the two petitioners, who, he admitted, were active partisans on behalf of Sir James Williams, the opponent of Colonel Trevor and Mr. Jones, the candidates on the Conservative side. The event complained of, took place in two polling districts of a part of the county of Carmarthen, where the property of the noble Earl lay. The statement of Mr. Hall, one of the petitioners, related principally to the events which occurred at the Newcastle Emlyn polling district. In Llandilo, the transactions rested on the statement of the other petitioner, Mr. Adams, jun. With regard to the interference of the noble Earl there, he had several distinct original documents which had been set forth in the petition. Those he would now read *seriatim.* The first documents to which he would call the attention of the House were three letters addressed to Thomas Tobias, William Jones, and David Hopkins, tenants of Earl Cawdor, by Mr. Richard Bowden Williams, who was the steward of the noble Earl. The first letter was addressed to Thomas Tobias, and dated the 27th of July, 1837, from Stackpoole-court, the residence of the noble Earl. It was right that he should first state, that, at the period of the election, the noble Earl was not in this country, having gone to the continent shortly before the election, for which reason the memorial to which he had adverted had not been presented. The letter addressed by Mr. R. B. Williams, the steward to Thomas Tobias, dated Stackpole-court, July 27, 1837 (the election having taken place on the 7th and 8th of August following), was as follows:—

> "Mr. Thomas Tobias, I shall depend upon you to plump for Colonel Trevor at the coming election, who is the only candidate supported by your noble landlord, and I have no doubt that you will do so. Your wellwisher,
> R. B. WILLIAMS,"

The petition stated, that in consequence of this letter from the noble Lord's principal residence in South Wales, Tobias gave his vote to Colonel Trevor alone. The next letter was similar, dated from the same place and on the same day, and addressed to another tenant of Earl Cawdor, named Jones, and was in these terms:—

> "William Jones, I shall depend upon your giving a plumper vote in favour of Colonel Trevor at the coming election, and hope not to be disappointed. Your wellwisher,
> R. B. WILLIAMS."

The third letter was of the same date, and addressed to Mr. David Hopkins in similar terms:

> "Mr. David Hopkins, I shall rely upon your giving a plumper for Colonel Trevor at the approaching election, who is the only candidate supported by your landlord. Your wellwisher,
> "R. B. WILLIAMS."

Now, if the interference with the tenantry of the noble Earl had been confined to these three letters, he (Mr. Warburton) was not certain that he should have brought the matter forward. But he had other letters to which he must call the attention of the House, and one of them was a letter written by Mr. Williams to Thomas Evans, a tenant of the father of Mr. Adams, the petitioner, for his land, and of the noble Earl for his house. Evans, as he was informed, had built an inn on the lands of Lord Cawdor, and relying on the excellent private character of the noble Earl, both as a gentleman and a landlord, had not taken a lease of the lands on which the inn was built. Evans had been applied to by the petitioner Adams, to vote for Sir James Williams, and had stated that he had been directed by Mr. Williams to plump for Colonel Trevor, but added, that he would write to Mr. Williams, the steward of the noble Earl, to ask permission to split his vote between the hon. and gallant Member opposite (Colonel Trevor) and Sir James Williams. Such a letter had been written by Evans to Williams; and this was the answer of Richard Bowden Williams to the application of Evans for permission to split his vote:—

> "Sir,—Your noble landlord's interest is given to Colonel Trevor, and all support has been withdrawn from Sir James Williams; so that I cannot comply with your request, and I shall hope to find that you shall have plumped for the Colonel.
> "Your well-wisher,
> "R. B. WILLIAMS."

This showed the sort of influence which Mr. Williams exercised over at least one tenant of the noble Lord. Of the next document to which he should call the attention of the House, he had not got the original, but only an extract, the authenticity of which, however, he should be able to establish. It appeared that a person of the name of Daniel Rees, a sub-agent or under-steward of Earl Cawdor, had been particularly active on behalf of Colonel Trevor, at one of the polling-places, and that various applications had been made by him to induce the tenants of the noble Earl to plump for the Colonel, and that on the first day of polling, a meeting of the tenants had been held at an inn at Llandilo. It appeared that four of these tenants had been called by Daniel Rees into a private room, and there a letter from Mr. Richard Bowden Williams had been read to them by Daniel Rees. It was dated Stackpole-court, 2d August, 1837, and was as follows:—

> "Mr. Daniel Rees,—You had better see Evan Evans, of Llandybie Mill, David Stephen, smith, Stephen Griffith, of Bryngwynne, and William Morris, of Abertrinant, and tell them, that as they are so very independent, and so very ungrateful for the indulgence and favour shown to them by their landlord, that I hope to receive their rents to Lady-day last on my return to Llandilo, and then I shall see what further is to be done in the matter. I am glad that the other parties are safe, and I am very much pleased with Mr. Daniel Thomas's exertions, who can tell the parson that he had better attend to his own concerns, and leave the Earl's tenants alone. We wish every man to plump for Colonel Trevor. * * * * Be sharp and very careful on the days of polling. In haste,
> "Your well-wisher,
> "R. B. WILLIAMS."

These four tenants of Earl Cawdor

had been repeatedly canvassed by Daniel Rees to vote for Colonel Trevor, and had refused on the first day; they were carried into a private room, and there the letter of Mr. Richard Bowden Williams was read in their presence by Daniel Rees. The authenticity of the letter was proved by Mr. Thomas Williams, a printer, at Llandilo, to whom Rees had shown it, and by the four tenants themselves, viz.—Evan Evans, David Stephen, Stephen Griffith, and William Morris. Each of these four parties was willing to depose to the facts he had now stated. Now, although the first letters he had recited were not sufficient to justify his calling the attention of the House to them, yet when he coupled them with the letter to Rees, there was a series of transactions not only unworthy a Peer of the realm, but unworthy of anybody, and were such as called for the attentive consideration of the House. The question, then, arose as to the manner in which it would be proper for the House to notice the matter. He confessed, he attached no very great importance to the resolutions of the House, that it was an improper thing for a Peer of Parliament to concern himself in the election of Commoners, and he did not wish to call attention to such conduct on the part of the noble Earl, as in a Commoner, would be justifiable; he, therefore, meant to conclude by a motion that this petition be referred to a committee of privileges. When, on a late occasion, the hon. Member for Shrewsbury sought to introduce a bill, the object of which was, by pains and penalties, to prevent the exercise of intimidation, he had opposed the motion, because he was of opinion that no pains and penalties, or positive enactments of that nature, would prevent or check the exercise of intimidation by landlords. Conduct of that kind could not be prevented by pains and penalties, and he thought the best check upon the practice, was moral reprobation. No one was more deeply impressed than he was with a sense of the blameless and estimable character of Earl Cawdor, in every relation of life; but if a nobleman of such a character exercised improper influence over his tenants, what legitimate ground of expectation could they have, that the mere influence of moral reprobation would prevent any Peer or Commoner from exercising undue influence of this description? Most probably it would be said, that what Lord Cawdor had done was what every nobleman and commoner, on whatever side of the House he sat, was in the constant habit of doing. If this were to be put forward as the justification of Lord Cawdor, he desired nothing more, for the admission of the malpractice was the first step to its cure. And, in his belief, the only effectual remedy which could be provided, would be found in enabling the electors to give their votes under the protection of secrecy.

Sir *J. Graham*, when he considered the period of the Session, the pressure of public business, and the somewhat peremptory statement which had been made last night by the noble Lord opposite, in reply to the application of his right hon. Friend near him, to have precedence given to his bill for the regulation of the trial of controverted elections, he was amazed that a member, possessed of so much discretion and experience as his hon. Friend, the Member for Bridport, should have determined to take precedence on the ground of privilege for such a motion as this. Upon the very outset he had abandoned it as such a motion. The hon. Member had not hesitated to admit, that it was not with any particular reference to Lord Cawdor's conduct, as a Peer of Parliament, he had brought it forward, but that he would have done so equally with reference to a commoner. He had, therefore, admitted his total failure upon the ground of privilege. He had thrown overboard even the larger portion of the documents to which a reference was made in the petition. He had abandoned the memorial of the tenants, and admitted that Lord Cawdor was absent from England at the time when the transaction which was complained of had occurred. He had admitted the blameless and estimable conduct of Lord Cawdor in every relation of life. If he mistook not, the hon. Gentleman rested his case upon a solitary letter, the original of which he did not possess, and from which some extracts alone were contained in his brief. He would state to the House the facts of this case upon the part of his noble Friend Lord Cawdor, with whose intimacy he had long been honoured. Lord Cawdor did not deny that he had given his support at the last election for Carmarthen to the hon. Friend who sat behind him; but the entire facts of the case were such, that in justice to his noble friend, he thought he was entitled to state them to the House.

In the county of Carmarthen there were 5,500 electors. The representation was closely contested at the last general election, and the sitting Member was returned by a small majority. A large proportion of the whole number of electors was polled. By how many did the House believe that the present petition was signed? By just two out of the entire constituency. The first of these was a Mr. Adams, the eldest son of a gentleman who had represented the county in a former Parliament. [Sir James Graham shewed, that the father of the petitioner had applied to Lord Cawdor for his support in 1832, and obtained it, for which he addressed to the noble Earl a letter of thanks, which the right hon. Baronet read.] The second petitioner was a provincial barrister, having, as he was informed, barely the qualification to vote in the county. This gentleman was also one who had exhibited not the slightest reluctance to apply for the active support of Lord Cawdor at former elections. [The right hon. Baronet read a letter making an application.] It was quite obvious that the present petition had its origin in the disappointment of these parties at the last general election. The petition had been smouldering now for seven months. In the month of November last it had been brought to the right hon. the Speaker with a great flourish of trumpets, by a deputation consisting of three members; and the Speaker was asked to present it in his official character to the House as a gross breach of privilege, such having in early times been the practice in certain cases. The Speaker had, however, declined to take notice of the petition. How had it been dealt with out of doors? His noble friend had been traduced by the provincial press from time to time with the greatest acrimony, as well as in that journal which was considered principally to represent her Majesty's Government. He was anxious, in consequence of these repeated attacks upon Lord Cawdor's character, to call the attention of the House to some correspondence which had taken place between that nobleman and Sir James Williams, who might be considered as the immediate promoter of this petition. In the memorial of the eleven electors, which had been cushioned by the hon. Gentleman opposite, the regret of the memorialists was expressed that his Lordship had ceased to support those principles of reform which he had formerly asserted; and that in consequence of threats which had been held out against them, they would support Sir James Williams. Now, with regard to this allegation of threats, the only letter alleged to contain threats upon which the hon. Member relied in support of that charge, was a letter bearing date the 2nd of August, although the memorial bore date the 21st of July. Where were, then, the proofs by which the memorialists supported their case? It was necessary to lay before the House some correspondence which had taken place between Earl Cawdor and Sir J. Williams, in order fully to vindicate that nobleman's character, now that it was dragged before the public. At the period of the general election in 1831, his noble Friend had written the following letter to Sir J. Williams, who was a candidate for the county of Carmarthen at that period, when the noble Lord opposite, on the part of Lord Grey's Government, had brought forward the Reform Bill. Lord Cawdor wrote this letter to ascertain precisely what length Sir J. Williams would go with regard to the Reform Bill:—[The right hon. Baronet quoted the letter which was of the purport he stated. The right hon. Baronet also quoted Sir J. Williams's answer, which explained his political principles, and asked the noble Earl's support.] It was, therefore, clear that no great coyness was exhibited at that period about obtaining through Lord Cawdor's influence, a seat in Parliament. After being returned for the county in 1831, through Lord Cawdor's influence, the terms upon which this gentleman was with Lord Cawdor's agent (Mr. Williams) might be inferred from the peremptory expressions in the following letter, which he forwarded to that individual:—

"My dear Williams,—Pray stop any opposition in the borough, which has been ill concocted and hopeless; it will only entail upon me a retaliation for the county and much expense: Jones's return appears certain. However, you must use your own discretion; if no opposition is offered in the borough, Goring Thomas will be recommended to retire."

Most sincerely Yours,
J. H. WILLIAMS.

At the general election in 1835, the county was about again to be contested, and great anxiety was evinced as to how Lord Cawdor's influence would be given. The noble Lord opposite (Lord Ebrington) was most anxious to obtain for his brother-in-law the support of Lord Cawdor, and wrote a letter to that nobleman, requesting that he would give his influence to Sir J. Williams, as circumstances prevented Sir J. Williams, from asking that influence for himself. Lord Cawdor yielded to the solicitation of the noble Lord, and sent a particular friend with a message to Sir J. Williams, intimating, that though he could not offer him his support, he wished for some explanation of his opinions as to the questions of the ballot, and universal suffrage, and also as to a question which circumstances then made of moment—the question of a voluntary principle as applied to the Church. Sir J. Williams answered this intimation from the noble Lord in the following letter. [The hon. Baronet quoted the letter which referred the noble Earl to former publications by Sir J. Williams for his political statements. The right hon. Baronet also quoted the addresses referred to by Sir J. Williams, in which he stated, that he was a friend to the Reform, and the enemy of the annihilation of the Church.] Lord Cawdor answered the letter containing these addresses by one which he would read to the House:—

"*Stackpole-court, Jan.* 1, 1835.

"Sir, I have this moment received your letter of yesterday's date, and hasten to reply to it. There seems to be some misapprehension on the subject of my having offered you my support. I was applied to, to know what course I intended to take in the approaching contest for the county of Carmarthen. My answer was, that I was willing to wave all personal feeling, and that if I could be satisfied that you did not entertain Radical opinions, I was willing to give you my support, but it certainly never occurred to me to make any offer of it. What I have now to consider is, whether your letter and the enclosures are such as do, in fact, give me that assurance which I require. I find in the address dated April, 1831, an explicit statement to this effect—that the Reform Bill having passed, you feel it due to the authors of that bill to declare, that you will ask for no further reform. The meaning I affix to these words is, that you will not require vote by ballot, or an extension of the elective franchise, to both of which measures I am decidedly opposed. I find also in the address dated August, 1832, language which induces me to believe, that you are ready to maintain the church as a national establishment, in contradiction to what is called the voluntary principle. If I am right in the meaning I attach to the language of these addresses, I am ready to support you; but if the meaning I affix to them is not the correct one, I trust to your honour to refuse my support, and refer the matter entirely to your decision, which I will thank you to notify to my friend, Mr. W. Hughes."

Sir James Williams returned to that letter the following answer:—

"*Carmarthen, Jan.* 1, 1835.

"My Lord,—I regret that any misapprehension should have occurred on the subject of your having 'offered' me your support. I have no hesitation to assert, that the addresses which I enclosed to your Lordship, conveyed my real sentiments, in accordance with your Lordship's construction of them, and I should have acted with the greatest duplicity, had I forwarded them to your Lordship for the purpose of obtaining your support, entertaining at the same time different views. Your Lordship has afforded me an opportunity of availing myself of your support as a man of honour, and as a man of honour I accept it. I cannot conclude without expressing to your Lordship my warmest thanks. Believe me, my Lord,

"Your faithful and obedient Servant,

"James Williams."

"The Earl Cawdor."

In consequence of that letter Lord Cawdor supported Sir James Williams in 1834, and he held in his hand a letter of thanks from Sir James Williams to the noble Lord, in which he stated, "I have been induced most reluctantly to re-enter upon public life, as I have before assured your Lordship. Allow me, however, to return my best thanks for the powerful support your Lordship has given me at this election." Support was given by the noble Lord, his support succeeded, and there was the letter of thanks from Sir James Williams. He would not pursue very minutely the line of conduct pursued by Sir James Williams, but would merely state three facts. Sir James Williams voted, in 1836, on the motion of Mr. Rippon, for the expulsion of the bishops from the House of Lords. He was an active member of Mr. Leader's committee in Westminster, in 1837; and in a local contest which took place at a vestry meeting in the parish of Llansamel, in Carmarthenshire, the question being whether the assessment of a church-rate then proposed should be taken into consideration immediately, or that day six months, his agent with his authority voted for the postponement. Previous to the last election, Lord Cawdor told Sir James Williams personally that it would be impossible he could ever again give him his support for the county of Carmarthen. He, after that statement would leave it to the House whether there was the slightest justification for the assertion, that Lord Cawdor had ceased to support those principles of reform which from the year 1831 to the present moment he had uniformly, steadily, and honestly maintained, in contradistinction to the dangerous doctrines he then opposed, and was still determined to oppose. He would distinctly state, that Lord Cawdor, after what had taken place, entertaining apprehensions of the success of Sir James Williams, did instruct his tenants to plump for one of the opposing candidates in order to prevent that success. Lord Cawdor had directed him to state, that his wish was, at the time, that his tenants should know that he had ceased to think Sir James Williams entitled to his support, and that every influence which he could consistently with his character exercise with his tenantry should be made use of to prevent Sir James Williams from representing the county. Lord Cawdor went abroad, gave instructions to his agent how to act, but by no means withdrew himself from the responsibility of any act on the part of the agent which might not have been in strict accordance with those instructions, or attempted to deny any letter which his agent might have written. With regard to the resolution of the House respecting the interference of Peers at elections, he considered it would be impossible, because too dangerous, to act upon it. The right hon. Baronet defended the influence of rank and wealth in elections, and maintained, that landlords might appropriately guide the judgment of the tenants. With regard to the letter referred to by the hon. Gentleman, he must say, that it contained expressions of a very unguarded nature, and was a violation of the principle and liberty for which he contended. It alluded to a threat respecting rent; but he called upon the House to recollect that Lord Cawdor was not in England at the time. Besides, most improper means had been resorted to, to swerve the judgment of Lord Cawdor's tenantry, and it became indispensably necessary, in order to counteract that interference, to take steps of a stronger nature than were usually resorted to. But what had been the result? Had any parties suffered? It was admitted that the tenants were in arrear of rent; they continued so still; they were tenants at will. Had they been ejected? No such thing. One of them, whose name was mentioned by the hon. Gentleman—David Stephen, he believed — had not only not been deprived of what he possessed, but had been successful in acquiring what, at the period of the election, he was not led to expect. He had been made an officer of excise in a neighbouring town. For this Lord Cawdor had been traduced in the *Cambrian* and other newspapers. The subject had been suspended over his head for the last seven months, although not a single tenant who had voted against his wish had been punished in the slightest degree; they all remained in undisturbed possession and still in arrear of rent. The case he looked upon, therefore, altogether as a trumpery one, which he should most strenuously resist.

Lord *Ebrington:* Sitting in that House as the eldest son of a Peer, he would merely say, that there was a certain legitimate influence attached to property, which Peers, in common with other landed proprietors, had a right to possess and exercise, and did possess and exercise, over their tenantry. But if they abused such power by unjust interference, by threats or intimidations, he was of opinion that their conduct should be most severely reprobated, if not punished. He was sure, at the same time, from his long knowledge of Lord Cawdor, that he was incapable of acting towards his tenantry in a harsh or severe manner on account of any political course they might choose to pursue. With regard to the letter which had been written by Lord Cawdor's agent, the right hon. Baronet had said, and he agreed with him, that it was a most improper and unjustifiable letter to have addressed to a tenant, and such a one as he was sure the noble Lord would not have sanctioned had he been consulted on the subject.

Mr. *Aglionby* at first doubted the possibility of bringing home to Lord Cawdor the conduct of his agent; but that point, the only link wanting in the chain of evidence, had been supplied by the hon. Baronet, who had admitted, that Lord Cawdor was ready to take upon himself the responsibility of every act of his agent. There was no one, he was sure, in that House who would object to the legitimate exercise of the influence of a

Peer, at the same time, that every one must admit the present to have been a case in which that exercise of influence way anything but legitimate.

Lord *F. Egerton* wished to say on the present occasion, that attempts to blacken the characters of individuals should not be permitted, especially when such an attempt was merely supported by such trumpery cases as the present.

Mr. *Hume* observed, that the purpose of the Reform Act was to put an end to nomination, and he contended that the present was a gross case of nomination.

Colonel *R. Trevor* denied, that the present was the case of what was called a close county. He had fought three contests in that county. For his part, he felt perfectly satisfied with the defence made by his right hon. Friend; and he had no doubt that that defence would prove perfectly satisfactory to the House and the country.

Mr. *Ward* said, that when the ballot came again under discussion, the present case would furnish the supporters of that mode of voting with a very striking illustration of the defects of the present system. As to the resolution of the House in reference to the interference of Peers, it clearly appeared to be waste paper. No one wished to deprive Peers of their legitimate influence in elections, but that legitimate influence, much as it had been so eloquently and beautifully described by the right hon. Baronet, might with equal effect be exercised by them under the secret mode of voting.

Sir *J. Owen* said, he had himself triumphed over Sir J. Williams, by the mere influence of his own character and station in the county, and without any outlay of money, notwithstanding that Sir J. Williams was a man of large fortune in the county, and that a large number of freeholders had been coerced to give him their votes. The charges now brought forward were most invidious and unjustifiable. As to the county voters being dragged up to the poll like sheep, he believed this description applied much more accurately to the wretched artisans of Sheffield, by whose votes the hon. Member Mr. Ward attained his seat; and he believed further that if the ballot, which the hon. Member so loudly called for, were introduced, those votes would no longer be given in the hon. Gentleman's favour. It was a mistake to say, that Sir J. Williams was a justice of the peace for the county; he was, it was true, in the commission, but he had not taken out his *dedimus*.

Lord *Worsley* said, the statements he had just heard confirmed him in the opinion he had long entertained, that he was wrong in voting for the 50*l.* tenant-at will clause. Tenants would be in a better situation without any franchise at all.

Lord *John Russell* said, he had on former occasions stated his opinion, that in the present position of circumstances it was impossible to impugn a peer for an interference which every body allowed to be practised by other landowners. He certainly did not think the House could act on the strict letter of its resolution, but, on the other hand, it was not so clear that it would be expedient at once to expunge that resolution, or not to renew it, for he was by no means sure that a very considerable effect was not produced by the mere existence of the resolution, and of the sort of feeling to which it gave rise that it was not proper or decorous for Peers to take an active part in elections; and he much doubted if they were to rescind the resolution, and give full licence to Peers to interfere as they thought proper, whether it would not be found that Peers could be considerably more influential in the return of Members than they appeared to be in the present petition. In reference to the present case he found little to remark upon beyond the melancholy condition in which Lord Cawdor's tenants appeared to be placed, wandering about in search of information as to which way their landlord was going to vote, what they were to do with one of their votes, and what with the other. Their embarrassment on the approach of elections must be great indeed. It was suggested, indeed, that the adoption of the vote by ballot would entirely relieve voters in such a situation from their very unpleasant dilemma, and he must confess that he should be willing to go great lengths to succour men in so distressing a state of doubt; but he was sceptical as to the proposed mode of relief, for it really appeared to him that if these parties were so beset with doubts under the present plain system, the introduction of a secret mode of voting, and the mysterious procedure of putting their names in ballot-boxes would only add to their confusion, and render them still more puzzled and unhappy than even at the approach of elections. He hoped it would not be taken for granted, in consequence of the decision the House came to on this motion that if a landlord, who found his tenant had refused to obey his wishes with respect to the vote he gave, immediately turned him out of his farm, or exercised some other mode of coercion with regard to his tenant's vote, the House had no means of proceeding, as that such conduct would pass without any notice being taken of it by the House. He conceived that the law of Parliament, declaring that there should be a free exercise of the parliamentary franchise, did mean something substantial—that it did mean, that the voter should not be coerced to give his vote at the dictation of any man. It should be borne in mind that in the present case it was said, that no man had been visited vindictively on account of the vote he had given. [Sir *James Graham*, one had been rewarded.] He was gratified to find from the statement of his right hon. Friend the Member for Pembroke, that one individual, who had exhibited some spirit of independence on the occasion of which they were speaking, and who, he supposed, had shown more intelligence than others, had had a little encouragement extended to him. He received that information with very great satisfaction. He thought it an exceedingly proper thing to give encouragement to independence of that kind, and trusted that the reward given to the voter was only a trifling evidence of the great improvement that was taking place in this respect.

Mr. *Warburton* had gained his object in getting the letter avowed, in Lord Cawdor's recognition of the acts of his agent, and in the admission of the fact of the universality of the practice.

Motion negatived.

HOUSE OF COMMONS,

Wednesday, June 13, 1838.

MINUTES.] Bill. Read a second time:—Leases and Exchange (Ireland).

Petitions presented. By Mr. A. CHAPMAN, from Whitby, by Mr. ENNIS VIVIAN, from Truro, by Sir HUSSEY VIVIAN, from the Shipowners of Plaistow (Cornwall), and by Captain GORDON, from Aberdeen, against the Pilotage Bill.—By Mr. PEMBERTON, from a parish in Yorkshire, that Church Property might be applied to Church uses only.—By Mr. BLACKSTONE, from Wallingford, by Mr. HEATHCOTE, from a parish in Lincolnshire, and another from Long Sutton, in the same county, for a reduction of Postage.—By Mr. BLACKSTONE, from Newbury, against the Grant to Maynooth College.—By Sir J. Y. BULLER, from a place in Devonshire, against the Order in Council allowing the deportation of the inhabitants of the East Indies to our West-Indian Colonies.—By Mr. Sergeant JACKSON, from Rathdrum, against the Irish National School system; from William Lane, residing in the county of Cork, complaining of the Government not giving rewards when promised.—By Captain GORDON, from places in Scotland, against the Seacoast Fisheries (Ireland) Bill.

FREEMEN.] Mr. W. Williams moved the Order of the Day for the House going into Committee on the Freemen's Admission Bill.

Mr. *Hutt* proposed, that it be an instruction to the Committee to insert the following clause in the bill: "That, after the passing of this Act, no person whose name is or shall be upon the register for the time being as entitled to vote in the election of a Member or Members to serve in Parliament for any city, town, or borough in England, shall be required, in order to entitle him to have his name inserted in any list of such voters for that city, town, or borough, for the following year, to have paid any poor-rates or assessed taxes, except such as have or shall have become payable from him previously to the tenth day of October in the preceding year."

Mr. *W. Williams* said, that the enactments in his bill were confined almost entirely to the subject of the stamps required on the admission of freemen; and the amendment of the hon. Member for Hull, if carried, would have the effect of introducing a provision of a nature totally distinct from the others contained in the measure, and which, besides, infringed on an important section of the Reform Act. He wished to take the opinion of the Speaker, therefore, whether a clause so inapplicable to the general purport of the bill could be incorporated in it.

The Speaker decided against Mr. Hutt, who withdrew his amendment.

Bill went through Committee.

SPIRIT LICENCES (SCOTLAND).] On the motion of Mr. Gillon, the House went into Committee on the Spirit Licences (Scotland) Bill.

On the question, that the first Clause stand part of the bill,

Sir *George Clerk* objected to the principle of the bill, and submitted, that the withdrawal from the magistrates of the very proper jurisdiction which they at present possessed over public-houses in Scotland was a course which the House would not think proper to adopt. At present, a publican was compelled to produce a certificate every year from certain persons in order to procure a renewal of his licence, but it was proposed now, that a publican having once obtained a licence would be entitled, unless he should have been three times convicted of keeping a disorderly house, to a renewal of his licence. This was a principle which he thought the House would not consent to, for they would see, that even although he should be twice convicted, his right to his licence would not be taken away. He, therefore, moved, that the chairman should quit the chair, and report progress.

Mr. *Gillon* differed totally from the hon. Baronet as to the nature of this bill, and he conceived, that it would be an exceedingly useful measure, in saving much unnecessary delay and expense to a most respectable class of the community. Instances had occurred in which men had been deprived of the means of procuring their livelihood merely in consequence of the caprice of the magistrates; and it was to prevent the recurrence of such events that he had introduced the present bill. He hoped, therefore, that the House would not give its sanction to the amendment of the hon. Baronet.

The Committee divided on the motion to report progress:—Ayes 101; Noes 70:—Majority 31.

List of the AYES.

A'Court, Captain
Ainsworth, P.
Attwood, W.
Bailey, J.
Bailey, J., jun.
Baker, E.
Barrington, Viscount
Bethell, R.
Blair, J.
Bramston, T. W.
Broadley, H.
Buller, Sir J. Y.
Burrell, Sir C.
Calcraft, J. H.
Canning, Sir S.
Chandos, Marquess of
Chute, W. L. W.
Cole, Lord
Colquhoun, J. C.
Compton, H. C.
Darby, G.
D'Israeli, B.
Douglas, Sir C. P.
Douro, Marquess of
Duncombe, A.
Dungannon, Lord
Egerton, Sir P.
Estcourt, T.
Farnham, E. B.
Filmer, Sir E.
Freshfield, J. W.
Gaskell, Jas. Milnes
Gibson, T.
Gordon, Captain
Goulburn, rt. hon. H.
Graham, Sir J.
Grimston, Viscount
Grimston, hon. H.
Hardinge, Sir H.
Hayes, Sir F.
Henniker, Lord
Herbert, hon. S.
Herries, hon. J.
Hodgson, R.
Holmes, W. A'C.
Holmes, W.
Hughes, W.
Hurt, F.
Ingham, R.
Irton, S.
Jackson, Mr. Sergeant
James, Sir W. C.
Johnstone, H.
Jones, J
Kelly, F.
Kemble, H.
Knatchbull, Sir E.
Knight, H. G.
Knightley, Sir C.
Lockhart, A. M.
Mackenzie, T.
Mackenzie, W. F.
Mahon, Lord
Master, T. W. C.
Miles, W.
Packe, C. W.
Parker, M.
Patten, J. W.
Pease, J.
Peel, Sir R.
Perceval, hon. G.
Planta, hon. J.
Plumptre, J. P.
Polhill, F.
Pollen, Sir J. W.
Praed, W. T.
Price, R.
Pringle, A.
Reid, Sir J. R.
Richards, R.
Rose, Sir G.
Round, C. G.
Round, J.
Rushbrooke, R.
Rushout, G.
Shaw, rt. hon. F.
Sinclair, Sir G.
Somerset, Lord
Stanley, E.
Stanley, Lord
Sturt, H. C.
Thomas, Col. H.
Trevor, hon. G. R.
Vere, Sir C. B.
Vivian, J. E.
Waddington, H.
Walsh, Sir J.
Whitmore, T. C.
Williams, R.
Wynn, C. W.
Young, J.

TELLERS.
Clerk, Sir G.
Fremantle, Sir T.

List of the NOES.

Abercromby, G.
Aglionby, Major
Baines, E.
Barnard, E. G.
Barry, G. S.
Beamish, F. B.
Benett, J.
Bewes, T.
Blake, M. J.
Blake, W. J.
Briscoe, J. I.
Brocklehurst, J.
Brodie, W. B.
Brotherton, J.
Busfield, W.
Collier, J.
Craig, W. G.
Dennistoun, J.
Divett, E.
Duckworth, S.
Dundas, C. W. D.
Ellice, Captain A.
Fergusson, R. C.
French, F.
Hall, B.
Harland, W. C.
Hastie, A.
Hawes, B.
Heathcote, G. J.
Hector, C. J.
Howard, P. H.
James, W.
Jephson, C. D. O.
Labouchere, H.
Langdale, C.
Lefevre, C. S.
Long, W.
Marshall, W.
Marsland, H.
Martin, J.
Melgund, Lord
Morpeth, Lord
Murray, J. A.
O'Brien, W. S.
O'Connell, M. J.
O'Ferrall, R. M.
Pattison, J.
Pechell, Captain
Pryme, G.
Redington, T. N.
Rundle, J.
Russell, Lord J.
Scholefield, J.
Sheil, R. L.
Slaney, R. A.
Smith, B.
Stanley, E. J.
Stansfield, W. R.
Steuart, R.
Stuart, V.
Strickland, Sir G.
Thornely, T.
Vigors, N. A.
Walker, C. A.
Wemyss, J. E.
White, S.
Williams, W.
Wood, Sir M.
Wood, G. W.
Yates, J. A.

TELLERS.
Wallace, R.
Gillon, W.

The House resumed.

HACKNEY CARRIAGES IN THE METROPOLIS.] On the motion of Sir M. Wood, the House resolved itself into Committee on this bill.

On the last Clause,

Mr. *Hawes* said, as this was the last clause in the bill, he must state, that he objected to any distinct jurisdiction being given to try offences committed under its provisions. If the clause creating this jurisdiction was persevered in, he should feel called upon, at some future stage, to take the sense of the House on it.

Mr. *Pease* was pleased with the bill, and complimented the worthy Alderman on the success that it had met with.

Colonel *Sibthorp* thought, that the penalties proposed in it were inadequate.

Sir *M. Wood* denied, that any new jurisdiction was created by this bill.

Clause agreed to.

House resumed.

TENANTS FOR LIFE (IRELAND).] Mr. *Lynch* moved the second reading of the Tenants for Life (Ireland) Bill.

Viscount *Dungannon* felt called upon to oppose the second reading of the bill, as he thought that it was a most unjust measure to the landowners of Ireland. In point of fact, it deprived the landlords of any control over their property. The noble Lord concluded with moving, that the bill be read a second time this day six months.

Mr. *Lynch* said, the law as it at present stood was highly injurious to the interests of society. The object of the bill was, to enable tenants for life, upon notice given to the persons having an interest in the inheritance, and upon obtaining permission from the Board of Works in Ireland, or an order from a Master in Chancery, to inquire into the matter, to make improvements, the inheritance being chargeable only with three-fourths of the value.

Mr. *O'Connell* thought it would be a very dangerous experiment for one man to be permitted to meddle with the property of another in this way. It was to be remarked, that the heirs of inheritance might not be connected with the tenant for life, and much jealousy might be excited among the different parties by interference of this sort. He altogether objected to the new judicial jurisdiction proposed to be given to the Board of Works. There was no dominion so sacred as that which a man had over his own property. It was the most absurd thing in the world to suppose, that the law was wiser than individuals were in their own case.

Bill read a second time.

BRIBERY AT ELECTIONS.] On the motion, that the House go into Committee on the Bribery at Elections Bill,

Colonel *Sibthorp* moved, that the House go into Committee on the bill that day three months.

Mr. *O'Connell* hoped the House would go into Committee then. It was as essential to have the whole truth elicited from witnesses in cases of bribery as in other cases, but the protection proposed to be extended to witnesses, only applied to the immediate transaction testified to, and to no other, so far as effecting the ends of justice required, and no further.

The House divided on the original motion: Ayes 55; Noes 2: Majority 53.

Bill committed.

List of the AYES.

Aglionby, H. A.
Aglionby, Major
Archbold, R.
Bailey, J., jun.
Ball, N.
Barnard, E. G.
Beamish, F. B.
Bewes, T.
Briscoe, J. I.
Brocklehurst, J.
Brodie, W. B.
Brotherton, J.
Bryan, G.
Buller, Sir J. Y.
Burroughes, H. N.
Butler, hon. Col.
Collier, J.
Craig, W. G.
Curry, W.
Douglas, Sir C. E.
Ferguson, Sir R.
Fergusson, R. C.
Filmer, Sir E.
Glynne, Sir S. R.
Goulburn, H.
Hodgson, R.
Hughes, W. B.
Jephson, C. D. O.
Kemble, H.
Langdale, hon. C.
Lynch, A. H.
Marsland, H.
Morpeth, Lord Visct.
O'Brien, W. S.
O'Connell, M. J.
Palmer, G.
Pechell, Captain
Power, J.
Pryme, G.
Roche, W.
Rolfe, Sir R. M.
Rundle, J.
Rushout, G.
Smith, B.
Stanley, E. J.
Stuart, V.
Thornley, T.
Vigors, N. A.
Wallace, R.
Warburton, H.
Williams, W.
Wynn, C. W.
Wyse, T.
Yates, J. A.
Young, J.

TELLERS.
O'Connell, D.
Finch, F.

List of the NOES.

Bagge, W.
Pringle, A.

TELLERS.
Dungannon, Viscount
Sibthorp, Colonel

HOUSE OF LORDS,

Thursday, June 14, 1838.

MINUTES.] Petitions presented. By the Bishop of EXETER, from a body of Clergymen, against the Commutation of Tithes Act; from Bridgnorth, against the Church Leases plan.—By Lord BROUGHAM, from the Baptist Association, against the punishment of death in all cases except murder.—By the Earl of RIPON, from the Church of England Association at Bath, for protection and support to the Church in the Colonies of North America.—By the Earl of HADDINGTON, from Law Practitioners in the county of Haddington, in favour of the Sheriffs' Court (Scotland), Advocations (Scotland), and Personal Diligence (Scotland) Bills.—By Lord RAYLEIGH, from Chelmsford, for the Abolition of the Taxes on Idolatry in the East Indies.

NEW POOR-LAW.] Earl *Stanhope* had a petition from Bradford, in Yorkshire, agreed to at a public meeting held some little time ago, not at the public meeting held at Bradford, on Tuesday week, for at the last meeting they had resolved not to petition, but they passed resolutions by which they were determined to address the House of Commons by remonstrance and demand against the Act, and they had determined to refuse further payment of rates under the Poor-law Act. The petition, as he had stated, was not agreed upon at that last, but at a former public meeting, and was numerously signed.

Lord *Brougham* begged leave to state, in addition to the information given by his noble Friend (Lord Stanhope) respecting what had passed at the last meeting at Bradford, where the very wise men who were assembled came to a resolution, that they would no longer petition, but would only remonstrate and refuse to obey the law. [Earl *Stanhope:* Oh, no.] The law says, "You shall pay," and they say, "We will not pay." That being the case, he had to add another anecdote to that which his noble Friend had mentioned. It appeared, that either at the meeting of the 22,000 petitioners at Manchester, or at a meeting in that neighbourhood, one reverend person used this argument—"God forbid there should be any more petitioning, or any more obeying of the law; but if you do petition, then I recommend you to go with your petition in one hand, and your pistol with your finger on the trigger in the other." He understood, that this person was not a Churchman, nor did he belong to the Methodist connexion, though he formerly belonged to that connexion, and was the son of a very respectable minister of that very numerous and respectable body. It was perfectly true, that, at the meeting where this language was used, every person, one after the other, who addressed the meeting entirely dissented from this doctrine of the reverend gentleman; and all those laymen took the wiser course of recommending peaceful conduct on the part of the people, and of expressing their abhorrence of all violence or resistance to the law. It was shocking, that such sentiments should be entertained by any man, but still more shocking was it that he should have been listened to, notwithstanding the protest which the more respectable individuals entered upon the spot, or allowed to utter such unchristian-like language. He understood, that this was not the first time that the same reverend individual had indulged in similar language.

Earl *Stanhope* had not made any inquiry with respect to the religious tenets of that individual; but he begged to repeat, that this petition was not adopted at that meeting, but at a period much anterior. Neither here, nor in any other part of the West Riding of Yorkshire, would there be any future petitions upon this subject. If the people should hereafter address their Lordships at all, it would either be in shape of a remonstrance, or in some mode far less agreeable to their Lordships and far less constitutional in itself. With respect to the clergyman to whom his noble and learned Friend had referred, all that he advised the people to do was to provide themselves with arms for self-defence; and this, he would contend, was perfectly legal and constitutional advice.

Lord *Brougham* said, his noble Friend was perfectly right. He had confounded the pistol and the trigger story with what occurred on another occasion. It was at some other meeting where the advice was given to the people to go with their petition in one hand and the pistol in the other. But the reverend gentleman, at the meeting at Manchester, referred to the same line of argument—the argument of force, by strongly recommending the people to provide themselves with arms.

Earl *Fitzwilliam* said, that the noble Earl had told them, that there would be no more petitioning from the West Riding upon the subject of the poor-law. He quite agreed with the noble Earl. He did not believe there would; but he did not entirely agree with the noble Earl's reason for entertaining that belief. The noble Earl's reason was, that instead of petitions their Lordships would have remonstrances, and pistols, and triggers and so forth presented to them. But his belief was, that there would be no more petitions, because the eyes of the people would be opened to the subject, and they would find that this poor-law bill, instead of being an act of that description, which the noble Earl was constantly representing it to be, would be a great advantage to the whole population of that part of the country.

Earl *Stanhope* said, that some time ago he told their Lordships, that the petitions against the Poor-law Bill from the agricultural districts would have been as numerous as those from the manufacturing districts, if in many instances the agricultural labourers had not been placed in the most deplorable and disgraceful state of intimidation and terror. In confirmation of that opinion he had now to present to their Lordships a petition signed by a reverend friend of his, the incumbent of the parish of Diss, in the county of Norfolk, Mr. Morris, who stated, that while in the discharge of that duty which he felt to be incumbent on him for ascertaining the moral and physical condition of the poor in his parish and neighbourhood, he was lately told by Mr. Wm. Dodd, one of the principal proprietors of that part of the country, that he and Mr. John Ellis, who occupied the largest farm in the parish of Diss, had resolved, if any of their labourers made any complaints to him (Mr. Morris) respecting the evils they were suffering from the operation of the new poor-law, that they should be immediately discharged. The petition further stated, that this determination had been made known to the labourers, and that the petitioner had found several of them who were so terrified by these threats of being discharged, that they preferred suffering under the operation of the new poor-law to making their complaints known. The petitioner, therefore, deemed it expedient, rather than afford any pretext for punishing these labourers, to decline visiting them in his character of clergyman. The petition concluded by praying for a total repeal of the law.

The Earl of *Radnor* was at a loss to see how their Lordships could accede to the prayer of the petition; for he could not see how they could prevent employers from discharging their labourers if they thought fit. The noble Earl had done him the favour to show him the petition some time ago, and had thereby enabled him to make some inquiries on the subject. The result of those inquiries was, that the reverend gentleman in question, however, properly he might discharge his other parish duties, was in the constant practice of staying after the church service, and conversing with his parishioners about the poor-laws and poor-rates. By the evidence of one of the labourers it appeared, that Mr. Morris had told them, that it was very foolish to pay poor-rates, and had advised them to pay them once more, and only once. Another labourer, in the employ of Mr. Ellis, had given evidence to the same effect. There was further testimony to the same effect. Now, he begged to ask their Lordships if the two Gentlemen whose conduct was complained of had done anything improper, or if the impropriety did not rather exist on the part of the rev. gentleman who had endeavoured to excite the labourers to oppose the law?

The Bishop of *Exeter* thought, the noble Earl who had just spoken was not well-founded in his observation, that it was not in their Lordships' power to grant the prayer of the petitioners. For the prayer was, that their Lordships should rescue the honest and industrious labourers by whom it had been signed from being prevented from exercising their just rights by the threat of being subjected to imprisonment in the union workhouse.

Earl *Fitzwilliam* had no doubt, that many of the statements of the hardships suffered under the new poor-law were gross exaggerations. He did not believe, that there were any hardships to which the labourers were liable under that law, to which they had not been equally liable under the old law. There could be no doubt, that out-door relief was occasionally given and connived at, and wisely. It certainly did surprise him to hear it stated in the petition, that a reverend Gentleman had declared, that he would no longer visit the poor of his parish.

Earl *Stanhope* had another petition to present from the labourers of the parish of Burstead, in the county of Norfolk, complaining, that they could obtain no relief from the board of guardians, that they were compelled to receive such wages for their labour as their employers chose to give them, that the wages of labour were so low, that they could not lay by any fund to support themselves and their families under any circumstances of sudden pressure, and that they would almost consent to be starved rather than go into the union workhouse.

The Earl of *Radnor* said, that he had made some inquiry in the neighbourhood of Burstead, from which the noble Earl had just presented a petition, and he found that half the parish belonged to a gentleman of the name of Muskett, who was hostile to the new poor-laws. Three-fourths of the persons who signed the petition were labourers in Mr. Muskett's employment. He found that some of them had been told, that if they signed it, it might be the means of their getting a stone or two of flour in the week. Others had signed the petition out of what they called "right good friendship." Others, acknowledged that they knew nothing at all about the matter. Now, was it on such grounds as those, that their Lordships and the country were to be told that the people generally were averse to the new poor-law?

Earl *Stanhope* stated what he believed to be the fact. The labourers declared that they would not steal, but that they could not starve. They sometimes, therefore, lived on hares, sometimes on pheasants, sometimes on rabbits, and occasionally on a fat sheep which might perhaps have belonged to the Lord-lieutenant of the county in which they resided. He had another petition to present from a labourer of the name of Richard Hursey, of the county of Southampton, the county under the government of the noble Duke near him. This labourer had a freehold cottage which had descended to him from his father, by whom it had been held since the year 1758; but under the authority of the poor-law commissioners, an order was issued by the board of guardians at Midhurst to dispose of the cottage, and the petitioner was required to give up the possession of it in a month. In consequence of his objecting to do so he was dismissed by his employer; dismissed, not owing to any fault, but solely because he refused to give up the possession of his cottage. He complained to the board of guardians, but they tauntingly told him, that he was an independent man, and refused to give him any relief. Eventually, he was in the month of March, and in the most inclement weather, ejected from his cottage, and compelled, with four of his children, to sleep for several nights on the bare common.

The Duke of *Wellington* asked, whether this case had reference to him (the Duke of Wellington) in any way whatever? For if it had, to call upon him to answer it without any previous knowledge of the subject did not appear to him to be exactly a fair course of proceeding. The noble Earl had pointedly remarked that the case had occurred in a county which was under his (the Duke of Wellington's) government. Now, before the noble Earl had made that statement, he ought to have known whether or not the case had occurred under his cognizance. He should beg leave to move, that this petition be referred to their Lordships' Committee on the subject of the poor-laws; and he hoped that the noble Earl would not refuse to do him (the Duke of Wellington) the justice to attend the Committee, and to prove—if the noble Earl could prove it—that he had any cognizance of the case in question; or that he could in any way whatever be considered as mixed up with it. If the noble Earl failed to do that, he (the Duke of Wellington) must say, that what the noble Earl had stated approached to something very like the character of a libel.

Earl *Stanhope* observed, that the order to sell the petitioner's cottage proceeded from the board of guardians at Midhurst; and, therefore, it was impossible that any imputation could rest on the noble Duke. He maintained, however, that it was a most oppressive case; and only one of numerous cases of injustice which had occurred under the present most oppressive and tyrannical law.

The Duke of *Wellington* was not willing to be libelled in that House with respect to a transaction with which he had nothing whatever to do. It appeared on the face of the petition that this occurrence took place in the county of Sussex, in the union of Midhurst; but the noble Earl thought proper, in order to libel him, to assert that it had happened under his Government, as if he had anything whatever to say to it.

Petition laid on the table.

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HOUSE OF COMMONS,

Thursday, June 14, 1838.

MINUTES.] Bills. Read a first time:—Imprisonment for Debt; Mails on Railways.

Petitions presented. By Mr. T. DUNCOMBE, from Ratepayers of Finsbury, against Clauses in the Middlesex County Courts Bill.—By Captain WEMYSS, from Fife, against the Abolition of the Convention of Royal Burghs.—By Mr. INGHAM, from several Clergymen, to be discharged from the payment of the instalments due from them for the building of Glebe Houses; from Lessees of Ecclesiastical Property in South Shields, in eight Townships in the county of Durham, and from Walsend, in the county of Northumberland, complaining of the serious injury done to their property by the agitation of Church Leases.—By Mr. PEASE, from the Baptists of Leicester, for the Abolition of Capital Punishments in all cases except wilful murder.—By Mr. GRATTAN, from the Apothecaries of Wicklow, against certain Clauses in the Medical Charities (Ireland) Bill.—By Mr. PRINGLE, from the General Assembly of the Church of Scotland, to provide for the Religious Instruction of Members of the Church of Scotland in the Colonies, especially in the Canadas.—By Mr. FLEMING, from persons in Southampton, for protection to the interests of the Church in Scotland.—By Mr. PRINGLE, from Selkirk, Falkirk, and several districts of Stirling, to devise means for the better protection of Voters in Scotland.—By Mr. MACKINNON, from an individual, that a Gaelic Professorship might be instituted in the University of Aberdeen.—By Mr. Alderman THOMPSON, from Shipowners and Inhabitants of Sunderland, to be relieved from the jurisdiction of the Trinity-house of Newcastle-upon-Tyne.—By Mr. YOUNG, from the Bishop and Clergy of a Diocese in Ireland, against the present system of National Education.—By Mr. HUME, from Mr. John Childs, of Bungay, for the Abolition of Church-rates.—By Lord STANLEY, from Students of the University of Edinburgh, to withdraw the regulation of the Internal Discipline and course of Study from the Town-council and Magistrates of Edinburgh.—By Mr. THORNELY, from 455 Negro Apprentices in the parish of St. Thomas, Jamaica, complaining of the flogging of the Females, &c., and praying a remedy.—By Mr. SHAW, from Trinity College, and from Inhabitants of Dublin, not to allow Grocers to retail Spirits.—By Sir W. FOLLETT, from the Merchants and Shipowners of Exeter, against the Pilotage Bill.—By Mr. AINSWORTH, from Bolton, for the establishment of a National system of Education.

THE NEW HOUSES OF PARLIAMENT.] Colonel *Davies*, on rising to move for the appointment of a Select Committee to take into consideration the most eligible site for the two houses of Parliament, said, he was actuated in the course he was taking by a desire that the buildings to be erected should be left to future ages as a memorial of the grandeur, wealth, and importance, of this great and glorious empire, and to prevent the loss of the advantages which accident had afforded of removing those buildings from the hole in which the House was now assembled. He was aware that this question had already been discussed and decided by the House, but he trusted he should be able to show good ground for the appointment of the select committee. The House was aware that not very long after the destruction of the Houses of Parliament by fire in 1834, an invitation was held out to architects to supply plans and specifications. Those plans and specifications were submitted to commissioners composed of amateur architects, but of scientific knowledge. Those commissioners examined the plans, and on the 9th of February, 1836, the Chancellor of the Exchequer moved for the appointment of a select committee to examine the report of the commissioners. That committee recommended, that plan sixty-four (Mr. Barry's) should be so far adopted as to be made the basis for further inquiry in respect of cost of the plan and the best mode of carrying it into execution. It was said the sum required was not to exceed 500,000*l.* That amount Mr. Hanbury Tracy, one of the commissioners, had, on his examination, stated, came very closely to the amount the new buildings would cost. Sir John Hobhouse, in moving an address to the Crown for an inquiry into the best mode of proceeding in conformity with the report of the commissioners, said, that, "should the House agree to the report, the effect would merely be, that proceedings would be taken to procure from Mr. Barry some statements of expense, without at all deciding that it ought to be incurred. The report went no further, and the House would probably be of opinion, that, under all the circumstances, due caution had been used in an important and somewhat delicate investigation." On the same occasion Sir Robert Peel said, "that the further inquiry would extend not merely to the cost of the buildings, but to the comparative expense of erecting them of different materials, and their durability as affected by London smoke and London atmosphere. If it should appear, said the right hon. Baronet, that Mr. Barry's plan, beautiful in its exterior, and convenient in its arrangements, as it was, could only be carried into effect under an enormous and unjustifiable outlay, which would require too great a sacrifice of economy, the motion of the right hon. Baronet (Sir J. Hobhouse) implied no pledge that it should be adopted by the House." The motion was agreed to, estimates were called for, and Mr. Barry fixed the amount of the cost at 750,000*l.* This estimate had then been submitted to, persons appointed by the Commissioners of Woods and Forests, and the result of that examination had proved that the estimates and specifications of Mr. Barry were erroneous to a very considerable extent. In the first item, that for a foundation of concrete, calculated by Mr. Barry at four feet, it had been found that twelve feet would be necessary, and this produced an increase on his estimate of no less than 54,972*l.* Again, the cost of the embankment, calculated by Mr. Barry at 40,000*l.*, had been converted to 67,373*l.*, being an increase of 27,373*l.* upon that item of expense, and these, with the expense of the purchase of land, and the construction of steps and landing-places, increased Mr. Barry's estimate by no less a sum than 77,325*l.* While he admitted Mr. Barry to be an architect of great talent and ability, still his estimates, like those of other architects, were below the mark, and he (Colonel Davies) contended that the express condition being that the cost should not exceed his estimates, the House and the country were relieved from any obligation to adopt his plan. With respect to the site, if the new buildings were erected on the site occupied by St. James's Palace, a saving might be effected of not less than 450,000*l.*, allowing 76,000, for the erection of suitable buildings for her Majesty to receive her subjects at levees and drawing-rooms, and for which Buckingham Palace was but ill-adapted. The present site might be made valuable for quays and warehouses, and the purchase of land would, by the change of site, be unnecessary, inasmuch as St. James's Palace afforded ample space for both purposes. Again, the cost of the round tower, estimated at 115,000*l.*, might be saved, and he repeated, that in these and other items a saving might be effected of 450,673*l.* He did not wish the House to take his word for the statements, but, as guardians of the public purse, and relieved from any engagement, to grant an inquiry into the subject. The height of Mr. Barry's buildings, if erected here, would totally eclipse Westminster-hall and Westminster Abbey, the superiority of which he was most anxious to preserve. He considered the site of St. James's Palace much more central and convenient to all parties. The convenience of the great majority of the Members of both Houses of Parliament ought not, in his opinion, to be sacrificed to the present advantage of those members of the bar who were also Members of the House of Commons .The hon. Member concluded by moving for the appointment of a select committee.

Mr. *Mackinnon*[*]: Sir, Having been requested by some of my hon. Friends to second this motion, to satisfy both this House and the country that it originated in no party feeling or political object, I do so with pleasure. I take up the question without the slightest intention or desire to support any set of professional men: besides, as the motion is made by a supporter of her Majesty's Government, and approved by some on this side, it cannot be supposed for a moment that it partakes of any political feeling whatever. I think that I ought, also, to state, that I have little or no acquaintance with any of the architects who sent in their plans, and that my only object in rising on the present occasion, is to draw the attention of the Houses of Parliament and of the country to a subject of great importance, both in point of national taste, national expenditure, and national convenience.

It is usually the case in private life, that, whenever an individual wishes to erect a house for his residence, he selects the most healthy spot on his grounds, and sets about the building so as to get it constructed in the most eligible, and at the same time the least expensive manner. This, I believe, will not be contradicted, and it seems to me natural that, nearly the same rule or mode of acting ought to be applied to national buildings, unless peculiar reasons can be given for a deviation from such a principle.

No one can venerate more than I do the site of ancient recollections, endeared by deeds of days of former years, where the liberties of our country have been raised, confirmed, cherished, and secured, and where, from the contests of parties, an interest is excited that makes history so valuable to the statesman and the patriot. Every Member of this House is aware that when the first Parliaments were assembled, the two Houses sat together in the King's Palace at Westminster; when they were separated under Edward 3d, the Commons sat in the Chapter House of Westminster Abbey, and continued there until the reign of Edward 6th, who gave them St. Stephen's Chapel, which was occupied by them until destroyed by fire in 1834. The House of Lords sat sometimes in the Painted Chamber, sometimes in the Star Chamber, and latterly, until the fire, in the Court of

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[*] From a corrected report, published by Roake and Varty.

Records, the old site of the present House, where we are sitting at this moment, which was the Court of Records.

The inconvenience of the present situation of both Houses of Parliament is so evident as to require little comment, to most of the Members, to those persons whose attendance is required, either officially or before committees, or to those who come from curiosity; in short, it occasions to almost every individual who attends on Parliament, either from the calls of business, or from other motives, the loss of nearly half an hour in time, and nearly a mile in distance. This being admitted, requires no additional proof. The present situation of the Houses of Parliament forces many persons to take up their residence in a part of the town inconvenient to them in many respects: indeed, so general is the inconvenience felt by almost every member of the community, either of the upper or middle classes of society, who at various times are necessarily obliged on some occasion or other to attend at Westminster, that nothing but some very strong and cogent reasons can be urged for rebuilding on the present site, when other situations, more commodious in every respect, may be obtained at less expense.

The leading reasons that I have heard assigned for the adoption of this locality are:—

1. The vicinity to the courts of law, which enables members of the legal profession, who are Members of this House, to attend without delay, or much inconvenience, and also the facility of counsel when before committees, to leave Westminster Hall.

2. The veneration which it is natural should be entertained for a situation which has been the arena in which the contest for the liberties of England has so often taken place, and so often been victorious—the spot where Chatham, Pitt, Fox, and all the leaders of both parties in each House of Parliament, have distinguished themselves, and rendered more perfect the constitution of their country, besides being a place identified with our history, and the deeds of days long since past away.

3. The facility afforded by water conveyance for Members, in cases of political excitement, of avoiding the taunts and insults, and, perhaps, personal violence, of a mob.

I have, Sir, to notice very briefly, each of these arguments in their order. In regard to the convenience of legal men frequenting this House. I grant there may be some advantage to them in so doing, but I maintain that their clients may suffer in nearly the same proportion as they, the lawyers, are benefited. I have often witnessed in committees the slack attendance of the leading counsel, and although the talent of those gentlemen might, in some measure, supply the want of time, and the hurry and consequent excitement arising from a vast accumulation of business, yet I cannot see or think that part of the population of the empire should be inconvenienced, for the mere accommodation of a few gentlemen, who, if they had less business, would be under the necessity of allowing their juniors to come in for their shares, and a greater equality of briefs to each would be the result.

The argument that old recollections ought to be kept up, and that the new Houses ought to be on the site of the old, has, I confess, something in it, but would have more, if the old walls really existed, but they are not to be seen; nothing remains except the foundation of St. Stephen's Chapel; the charm is broken, the prestige is gone. Now, Sir, it really appears to me that building on the site merely, (and the proposed building will not be on the old site,) does not fulfil the ideas of veneration for those great men and for antiquity, the recollection of which carries importance on the human mind. If I see a table or any particular substance that has been used, or been in the sight or occupation of a great man, I may entertain some veneration for it on that account, I may have the same feeling for the walls that have responded to his voice, but where every thing has been destroyed by fire, where scarcely a trace or vestige is to be perceived of a former structure, except the foundations, I confess, I do not think, that for the sake of building on the mere site, or in its vicinity, at an enormous inconvenience to the population of a great empire, is either a judicious measure, or one that will give general satisfaction.

In regard to the last argument brought in favour of the Houses being near the river, that is really too childish, and scarcely requires an answer. The idea of Members of the Legislature making their escape, and fleeing from a mob, like sheep before the shepherd's dog,—to suppose the Legislature of such an empire as this, placing an enormously expensive structure on piles and on mud, at great cost and inconvenience, that its Members may have the means of escape from the people, is really too ludicrous to require a serious answer.

This brings me to another point which I may now lay before the House, which is the very bad taste of crowding together in the smallest possible space. The architecture of Westminster Abbey (like all those magnificent structures erected in France and England in the eleventh and twelfth centuries) is formed of that chaste and elegant style of Gothic architecture prevalent at that period. Westminster Hall is also of considerable architectural antiquity; is it not bad taste to crowd into the small space between the Hall and the Abbey, another building, quite in a different style of the Gothic from either of the others, and so squeezed in by both, that some difficulty may occur in turning a carriage drawn by more than two horses. The new Houses of Parliament, if erected here, cannot be seen to advantage, from any point of view; if seen from the street they will be too near the spectator, if seen from the other side of the river, they will be too far to have justice done to their elevation; on one side shut in by the Abbey and by St. Margaret's Church; on the other by Westminster Hall, and on the south by the river Thames: where can the building be seen to advantage? How often has it been regretted, that the beautiful building of Somerset House was only seen from the river; in the present instance, without any cause, you place your new building not only in a similar but even in a worse situation! Nothing can be more offensive to the taste, than different specimens of Gothic architecture jumbled together without judgment, taste, or discrimination. I will here give the opinion of one of the commissioners, appointed by the Crown to investigate the plans, Sir E. Cust, a gentleman of great skill and architectural knowledge on the subject, who says:—

> "The north front of Westminster Hall, which it is very properly proposed to incorporate into the design, looks now so bald in the midst of the pannelled and pinnacled architecture that surrounds it, that it would be my advice to lower its tone, to make the new building suit the old, and that Mr. Barry be required to do this. Any suggestions that I can make upon the subject cannot fail to be of more value when offered previous to the undertaking."

Unless this be done, that is, unless the tone of the plan is lowered, it will not correspond with the architecture of Westminster Abbey, if in the intended structure no decoration is allowed, the building may look like a row of houses, and be quite different from the ornamental plan laid down and adopted as the best to follow. If the projected building is decorated as in the plan proposed, you must pull down and decorate a part of Westminster Hall also; you must enlarge the Hall, and make its exterior correspond with the new building; you will have a corresponding tower, as stated in the plan, as high as the dome of St. Paul's; and the fret work and ornamental part must be constructed of that soft and discolourable stone, which will, in a few years, look black, and crumble into dust. Why, Sir, if a committee is formed only to ascertain the best sort of stone to resist the influence of the atmosphere, some advantage would be gained by this motion.

Now, Sir, I come to the last, and by far, too, the most important objection, that I have to bring against the proposed measure, to which I beg most particularly to call the attention of the House, being very anxious to have some information on the subject, and to be placed at ease on the question. The same gentleman (Sir Edward Cust), who is one of the Commissioners appointed by the Crown to decide on the building of the Houses of Parliament, states as follows:—

> "The proposed plan of Mr. Barry's, by far the most elegant of the whole, was to cost, as that Gentleman stated, 724,986*l.*, say in round numbers, 725,000*l.*, which was to include fixtures, architects' fees, and all contingencies whatever, exclusive of the embankment, which he stated would cost 40,000*l.*, and the houses in Abingdon-street about 60,000*l.* or 70,000*l.* Now, the committee after examining the statements said, that they were not satisfied on the head of expense, and reported that they recommended Mr. Barry's prize plan, No. 64, only on the express understanding that it should not exceed, in any material degree, the estimate given, 725,000*l.*, and that it would not be safe or expedient to proceed on a building of such magnitude and importance, until a satisfactory estimate had been made, founded on detailed working drawings and specifications, and examined and approved of by competent authority."

Now, Sir, this has never been done, no specification has been submitted to the House, no committee appointed to examine the estimates, no examination of the proper stone or best materials to be used. No tenders made by builders for the building; no evidence as to the effect on the river and bridge of the embankment now in progress. No account of the value and number of the houses required in Abingdon-street. The only thing that has been done is, to have a vote of credit for 100,000*l.* included in the miscellaneous service, which money ought to have been applied to the purchase of the houses in Abingdon-street, instead of the embankment. It seems rather hasty to proceed with the embankment, which may annoy the navigation and the neighbourhood by raising a large bank of mud, very likely (as engineers report) to injure the foundations of Westminster Bridge, but which at any rate must occasion a great expenditure of the public money, until a committee of this House, or some commission appointed for that purpose, have examined and are satisfied that the estimate is correct, that it includes all contingencies and expenses, that the materials to be employed are proper. No one who considers the subject a moment can imagine that the estimate given, 724,986*l.*, say, to speak in round numbers, 725,000*l.* can be correct, when it appears that the first contract made nearly doubles the estimate first given in. Why, Sir, if things are allowed to proceed in this manner, two millions will not cover the expense. Really, the whole business has an appearance of a desire existing somewhere to involve Parliament into the measure by a grant of money, 100,000*l.*, and then, the ice being broken, and the undertaking once commenced, to force the nation to an unlimited expenditure, which must follow as a matter of course. The same leading commissioner appointed to investigate the plans, to whom I have already alluded, Sir Edward Cust, says on this subject:—

> "I take the liberty of saying, without any fear of contradiction, that neither the commissioners, nor the Committees of Parliament, nor the ordinary executive department of the Office of Woods and Works have given any consideration to the details of Mr. Barry's design."

The uncertainty of the expenditure likely to be incurred in the proposed edifice is, in my opinion, one of the strongest arguments in favour of the motion which I have the honour to support. Really, it does not appear that any positive estimate has been made of the expense, and when that is the case, we all know by experience, both as private individuals, and as public men, the vast additional charges which in such a case are incurred. Is it expedient, I ask? Is it just or proper that no further inquiry should take place into the proceedings for the proposed buildings? Is it in accordance with the resolution of the committee first appointed, consisting of the men in this House most conspicuous for their talents, habits of business, and high character, is it not in direct opposition to their recommendation? The only resolution of this House in this momentous question has been an address to the Crown to make further inquiry.

After the best consideration that I can give the subject, after consulting the sentiments of many Members of this House, after endeavouring to obtain the opinions of persons out of doors, and of the public at large, I can arrive at no other conclusion than that there is a necessity for reconsidering the subject, which will satisfy the country that the public money is not wasted, which inquiry cannot in any way delay or postpone the proposed buildings for one instant, as hon. Gentlemen are aware that no structure is as yet in progress, or likely to be commenced for some time to come, and therefore another committee on the subject can be productive of no delay. I should besides wish it to be understood, that in no manner, except in the undefined estimate made, do I object to Mr. Barry's plan, which, both in exterior beauty and internal convenience, surpasses any other that has come under my notice; but the more beautiful is the elevation of Mr. Barry's projected structure the more imposing would it appear, either on the site of St. James's Palace, or in Trafalgar-square, or in any other situation than on piles of wood in a swamp on the Thames, where it can only be seen and admired by a few boatmen or persons in coal-barges ascending the river. Whether Mr. Barry's plan is finally adopted or not, whether the projected building takes place on this site or elsewhere, is not, I think, (being a mere matter of opinion,) of such importance as to be able to lay before this House and the country a correct account of the proposed expenditure, and some security that the undertaking will be accomplished in conformity with the estimate given.

It is rather singular that in this country, the energies of which are so great as to create railroads, improvements of every kind, little thought of a few years back, which surpass all the improvements of other nations, it is, I say, rather singular that we, who are giants in all improvements, and have advanced in such a manner, should be pigmies in the erection of our public edifices, that, with the mass of talent to be found in the architects of this country, so little is done; and that great expenditure, bad taste, jobbing, and parsimony, should, as a writer observes, be the characteristics of our public buildings, when erected at the expense of the country.

Sir, I have to apologise for intruding so long on the attention of the House; the more concisely this subject is treated, the more will it command the attention of the community.

The *Chancellor of the Exchequer* said, that the House had fully deliberated upon this question, and it was a matter of surprise to him how any hon. Member could say, the House was taken by surprise upon it, when they recollected the quantity of evidence which they had heard in connection with it. It must be in the recollection of the hon. Members, that in the year 1834, the fire took place which destroyed the Houses of Parliament. No step could be taken immediately subsequent to that occurrence, but upon the assembling of Parliament in 1835, the right hon. Baronet opposise moved for a committee to inquire into the most judicious steps to be taken with respect to the removal of the inconvenience which arose from it, and the erection of suitable Houses of Parliament. That committee published a report, and upon the report a commission was instituted, in order to discuss the plans of the projected buildings. Those plans were submitted to the committee; they not only were deliberated upon with the most minute and patient attention, but they were laid before the public, and the general opinion was, that Mr. Barry's plan was the best calculated with respect to architecture, and in every other respect, to effect the purposes required in the new Houses of Parliament. He did not remember a plan upon which so great a unity of opinion was observable as that of Mr. Barry. But the inquiry did not terminate there. Mr. Barry sent in his estimate, and another committee was appointed to inquire into the amount of the estimate, as it would appear when taken in its several departments separately, and Mr. Barry was directed to make out a new estimate, with all the heads of expenditure stated distinctly in the form of particular items. This estimate thus particularized in its heads of outlay was submitted to the inspection of the principal officers under the Commissioners of Woods and Forests, and it was not until it had received their entire approval, after minute investigation, that the House resolved upon adopting it. The House had a full opportunity of deliberating upon the subject at that period, and up to the present time all the works had been carried on under the eyes of the Members of that House. Under these circumstances, he was of opinion that they should look upon the subject as a matter which had been decided upon, and which it was not now competent for them to open again for discussion, in order to make any change in the arrangements. It would be highly dangerous to adopt such a course. If they were to unsettle it now in 1838, what was to prevent them from unsettling it in 1839, or at any future period, when objections might be taken to it? He had a strong objection to enter into the merits of different sites, but as that subject had been the principal ground of the motion he felt bound to say, that none of the objections which had been raised against the present site, were of sufficient importance to make him change the opinion which he had held with regard to its eligibility, and there was, in his mind, no objection to the adoption of other sites that had been formerly urged which did not apply now with equal force. He wished to impress upon the House that the question of changing the site was not open to them; they had voted money for it already, and the works had been proceeded with for a considerable period. He trusted the House would not adopt such a course as that suggested by the hon. Member.

Mr. *Hume* said, it was quite true, that the country had not been taken by surprise upon the subject, but that did not, in his mind, form a sufficient reason for their refusing to afford it further deliberation. After all that had passed since the House last came to a decision upon the subject, he was still of the same opinion which he had expressed when it was at first taken into consideration. He was of opinion, that there were other sites in London which possessed incalculable advantages over the site which had been approved of. One of those was opposite

Marlborough House, a site which, both with regard to healthfulness of situation and to the advantage it would afford of appreciating the beauties of the architecture, was immeasureably superior to the present one. The site upon which it was proposed to erect the New Houses of Parliament was in many respects deficient in those requisites which it should possess; it was too near the river, upon which it encroached to such an extent as to blockade two or three arches of Westminster bridge; this, in itself, was a serious inconvenience. Then it was so blocked up by the buildings at the land side, that its beauties would all be lost; and in order to obtain a view of it a person should go into a boat on the river. Its situation was so low that it could not be healthy, and from those combined objections he was inclined to think it ought to be changed. He should totally deny, that the change of the situation was one involving additional expense. So far as the new alteration of the site was concerned, the change would tend to save expense to the country from the difference of purchase required. At present, admitting, that in what had been done and was immediately projected there had been 80,000*l.* expended, still if they altered the site to where he proposed, it would eventually be a saving of 100,000*l.* to the country. The lowness of the site was a great disadvantage; from the situation and height of the buildings around it the edifice would be shaded from the sun for one-half of the year, and they would thus be sooner involved in darkness by a considerable period than most other portions of the city; indeed, after three o'clock in winter they would lose the advantages of daylight. At all events, they ought to obtain a situation where daylight could be obtained as long as possible, and not willingly and knowingly incur so serious and so lasting an inconvenience.

Sir *Robert Peel* said, the hon. Member for Kilkenny appeared to labour under a misunderstanding when he expressed an objection to the plan but not to the site. If he objected to one he should object also to the other. The principal claim of the plan was its adaptation to the site, and it did not follow that if a new site were to be adopted the same plan would be appropriate. In all architectural plans one of the most indispensable attributes was congruity, and the style of architecture which the plan of Mr. Barry embraced was adopted for its peculiar adaptation to the site. With respect to the diversity of opinion which it had been said hon. Members entertained, he could only say that it would be quite impossible to select a plan which should meet with universal approbation. If the committee had sat from year to year and discussed the subject for any period of time, there would not be found a perfect unity of opinion with respect to the merits or beauties of any one plan. The hon. Member who had spoken last remarked, that in consequence of the contiguity of the river there would be a great want of light in the new Houses of Parliament. Now, the sequel was not at all a necessary consequence of that position. He (Sir R. Peel) could assure the hon. Gentleman that one of the greatest advantages which houses abutting on the river possessed was the superior light which such a situation afforded. That ground of objection was, therefore, entirely void. He would implore the right hon. Gentleman to persist in the course he had adopted—he entreated him not to have a *Penelope* at each side of the House, ready to undo all the acts of the House as quickly as they could perform them. If they opened the subject afresh at this period they would find it as difficult, after a lapse of two or three years, to appoint a site which would be generally approved of as it was at present. No site would be fortunate enough to give universal satisfaction. He believed Mr. Barry's plan had given complete satisfaction, and had been generally approved of. He hoped they would begin the foundation, and that was the only way to end the discussion.

Sir *F. Trench* fully coincided in opinion with the right hon. Baronet. In his opinion it would be better to have the House built upon the adopted site than in the neighbourhood of the clubs; the exercise of coming to the House, and returning home, would be far more healthful to hon. Members than if the House, by being near the clubs, would permit them to be too much at their ease; a walk home would be far more beneficial to them.

Sir *H. Hardinge* said, that it appeared the foundation of the Houses of Parliament would encroach very much upon the River, and therefore it was essentially necessary that every precaution which would have the effect of rendering it more secure should be adopted. At Woolwich, when they laid the foundation of the public works, the foundations of which were similarly situated, it was thought they had been sufficiently secured, but they had since given way, and sunk considerably. With this experience before their eyes, he was of opinion that they should adopt the most effectual means of securing the foundations, where so great a superincumbent weight would be placed, from a similar defect.

Colonel *Wood* had been informed that the situation which had been chosen for the foundation was a quicksand. If such were found to be the case they would require additional precautions. He understood that since the coffer dam had been formed the greater rush of water against the Westminster-bridge had worn away the gravel from the lower part of the piers, and thus rendered them more insecure. The piers of Westminster-bridge had been cased with timber, and sunk in that situation, so that if the gravel should be worn away to a much greater extent it might prove highly injurious to the bridge.

Mr. *Warburton* had built upon his property at the other side of the water a very high tower, and of a greater height than any part of the intended buildings would be, and although it was quite close to the water, it had not up to this time varied an inch from its perpendicular, so effective were the means of security adopted by the architect.

The *Chancellor of the Exchequer* said, there need not exist any apprehension with respect to the security of the foundation. That part of the work was under the direction and superintendence of the architect, who was, of all others, most interested in having the preparations such as would secure the stability of the building.

The House divided:—Ayes 33; Noes 90:—Majority 57.

List of the AYES.

Aglionby, H. A.
Aglionby, Major
Baker, E.
Benett, J.
Bridgman, H.
Brotherton, J.
Bulwer, E. L.
Burr, H.
Chester, H.
Chichester, J. P.
Collier, J.
De Horsey, S. H.
Estcourt, T.
Fleming, J.
Gibson, T.
Hall, B.
Heathcoat, J.
Hume, J.
Hutton, R.
Ingestre, Viscount
Jephson, C. D. O.
Marsland, H.
O'Brien, W. S.
Pease, J.
Pechell, Captain
Roche, D.
Sinclair, Sir G.
Smith, B.
Strickland, Sir G.
Style, Sir C.
Vigors, N. A.
Wallace, R.
Wood, Colonel T.

TELLERS.

Davies, Colonel
Mackinnon, W.

List of the NOES.

Alsager, Captain
Archbold, R.
Bailey, J.
Baillie, Colonel
Barnard, E. G.
Bewes, T.
Blake, M. J.
Blennerhassett, A.
Brodie, W. B.
Bruges, W. H. L.
Bryan, G.
Buller, Sir J. Y.
Burroughes, H. N.
Busfeild, W.
Butler, hon. Colonel
Canning, Sir S.
Clay, W.
Clerk, Sir G.
Collins, W.
Craig, W. G.
Crawley, S.
Dalmeny, Lord
Darby, G.
Douglas, Sir C. E.
Dowdeswell, W.
Duckworth, S.
Duke, Sir J.
Dungannon, Viscount
Eaton, R. J.
Ebrington, Viscount
Farnham, E. B.
Fenton, J.
Filmer, Sir E.
Freshfield, J. W.
Gordon, R.
Goulburn, hon. H.
Graham, Sir J.
Grey, Sir G.
Hawes, B.
Hawkins, J. H.
Heathcote, G. J.
Hector, C. J.
Henniker, L.
Howard, P. H.
Howick, Lord
Hughes, W. B.
Hurt, F.
Jermyn, Earl
Kirk, P.
Lambton, H.
Langdale, hon. C.
Lefevre, C. S.
Lister, E. C.
Martin, J.
Murray, J. A.
Muskett, G. A.
O'Connell, J.
O'Conor, Don
Palmer, G.
Parker, J.
Phillpotts, J.
Plumptre, J. P.
Pringle, A.
Pryme, G.
Rice, right hon. T. S.
Rickford, W.
Rolfe, Sir R. M.
Round, C. G.
Scrope, G. P.
Slaney, R. A.
Somerset, Lord
Stanley, Lord
Stewart, J.
Stuart, V.
Tennent, J.
Thomson, C. P.
Trench, Sir F.
Troubridge, T.
Vere, Sir C. B.
Villiers, C. P.
Vivian, J. E.
Vivian, Sir R. H.
Warburton, H.
Ward, H. G.
White, A.
Williams, W.
Wood, G. W.
Worsley, Lord
Wyse, T.
Yates, J. A.

TELLERS.

Smith, V.
Stanley, E. J.

NATIONAL EDUCATION.] Mr. *Wyse*, after presenting several petitions in favour of a system of National Education, went on to move "An address to her Majesty, that she will be graciously pleased to appoint a board of Commissioners of Education in England, with the view, especially, of providing for the wise, equitable, and efficient application of sums granted, or to be granted, for the advancement of education by Parliament, and for the immediate establishment of schools for the education of teachers in accord with the intention already expressed by the Legislature." He felt rejoiced, after so much delay, to have an opportunity of bringing the question in a tangible shape before the House, because the public mind had anticipated the Legislature on the subject. A strongly-marked change had taken place in the public feeling respecting education within a very few years. [The hon. Member referred to the great number of petitions which had been presented of late as a proof.] There had been large meetings, he continued, on the subject, in various parts of England, but especially in those great towns of the North, the seat at once of our manufactures and our intelligence, in Bolton, Sheffield, Leeds, Liverpool, and Manchester; and the anxious desire of all present, was for the establishment of a system of national education. In furtherance of that object, societies had been established under different names, and minute inquiries were set on foot by these bodies to ascertain the exact state of intelligence in the country, and to stimulate each portion of it into a generous emulation with each other on that important subject. Then, again, a few years ago, the press was wholly closed to anything like observation on the state of education, with the exception of a few of the graver quarterly publications, when it was treated as a matter of metaphysics or theology, more than as a matter of general interest; now, however, there was scarcely a periodical of any class which did not advocate the diffusion of intelligence in some form or other, among the mass of the population. In proof of the rapid progress the question of education had made among the poorer classes, he could assure the House that there was never a meeting of workmen in large numbers—nay, they never met two or three in a body that it did not form an engrossing topic of their conversation. Even the Legislature—so much behind public opinion in all cases, and the Government, generally so much behind the Legislature, had changed their views on the subject, and now entertained the question as one necessary to the welfare of the community. A few years since, he could scarce find a seconder for his motion respecting education; now the estimates included an annual grant for its promotion, and he had read, with great pleasure, an appeal of the noble Lord, the Secretary of State for the Home Department, to his constituents, in which the advisableness of general education was enforced in the most admirable manner. All these were good signs of success, and proofs that, however slow might be the advancement of the question, perseverance would eventually accomplish all that could be desired. He should have wished to bring the question in another form before the House. He should, for his own part, have preferred a bill for that purpose, but that there was one already before Parliament, in charge of a noble Lord elsewhere, than whom there was no man in the kingdom better calculated to do it justice. He thought it was necessary that education should be equally promulgated among all classes, or otherwise the lower classes would march past the higher, and the masses advance while the rich and the few stood still. Reference had been more than once made to the state of crime in comparison with the state of education, and in France, particularly, deductions had been made adverse to the extension of intelligence among the community; but he was fully satisfied that these deductions, founded on false or imperfect returns, were radically false and imperfect themselves. By more recent returns, compiled with greater accuracy, it appeared that of those who were brought before the criminal tribunals of that country, in the year 1837, there were of both sexes—

Unable to read and write	8,464
Who read and wrote imperfectly	12,299
Who read and wrote well	2,235
Who had a superior education . .	101

Thus showing, that a superior education was found to check, in a powerful manner, rather than promote in the slightest degree, a tendency to commit crime. Various decisive proofs, besides this, could be produced of the effects of a good education in preventing crime and extinguishing a tendency to it. In the Canton Frieburg, in Switzerland, on the spot made sacred by the labours of Von Fellenberg, and in the Ban de Roche, in the same country—all heretofore the chosen abode of crime, and vice, and misery—such changes had been effected by its means, that these districts were now models of virtue. There was no reason whatever why such a beneficial change should not be extended over the whole of a country, as well as over its districts. The question, then, before the House was this—had England reached that superior state of education which made those heretofore lawless districts at present the seat of so much real happiness? If not, had she the means of extending it to every portion of the country? In regard to the extension of education among all classes of the community, England was at that moment the lowest on the list of all countries calling themselves civilized. The result of all inquiries made on the subject was, that of children between the ages of seven and fourteen, amounting in all to two millions and upwards, there were at least one-half that number in England and Wales totally uneducated; while if those between three and seven years of age were taken, half a million more might fairly be added to the account. In that case, the proportion of educated to uneducated, would be as one to fourteen. Now, in America, the proportion was, in the State of New York, as one to three; in the State of Massachusetts, it was as one to four; in Switzerland, generally, as one to seven; while in the Canton of Vaud, it was as one to six; in Prussia, as one to six; in Wurtemberg, as one to six; in Bavaria, as one to six; in Holland, as one to nine; in Belgium, as one to eleven; in Austria, as one to twelve; in France, as one to sixteen; and in Russia, throwing the serfs out of the calculation, as one to six. Thus it was plain, that all other countries, with the exception of France, surpassed England. There was, amongst us, no extension of schools, and no extension of what was still more desirable, instruction, in the higher branches of education. The hon. Member went on to say, that it was proved, beyond a doubt, by the reports of educational societies, that more than one-half of the education of this country, if it might be called education, was carried on in Sunday schools, but was of the most inadequate and worthless kind. In many of the Sunday schools arithmetic was quite unknown, and in some writing was prohibited, in others reading, these employments being considered to desecrate the Sabbath, and the pupils being gathered together only for the purpose of receiving religious instruction, as if that alone were a substitute for all other kinds of education. In this estimate of the value of Sunday schools, his own opinion was supported by that of a gentleman every way well qualified to appreciate their merits, the Rev. Mr. Burgess, in a work lately published by him on the subject of education. That gentleman described such schools, however beneficial they might be where no other channels for the diffusion of education existed, as utterly useless for the purposes of general education. The day schools in many towns throughout the kingdom were deficient in some essential respects. The education only extended to the rudiments of knowledge, and the teachers were frequently ignorant and otherwise unqualified for their duties. [An hon. Member moved, that the House be counted, but the number being forty, the hon. Member proceeded]. The present system of education, as regarded the mass of the people, was defective, from the absence of responsibility on the part of the teachers, from a want of the element of permanence, it being dependent for continuance mainly on private bounty. These faults were only to be remedied, and the system improved and extended, by placing it under the control of public officers. In fact, there was not a single country in Europe, but this, without its board of public education. But, in case the House should reject the example of such countries as Prussia and Austria, and Sweden, would it not defer to that of republican Switzerland and republican America, the states of which had adopted, to a considerable extent, such a system of general education as he was advocating? The state of New York had appointed superintendents of the common schools throughout the country. There was a public board of education at Massachusetts. In Virginia they had commissioners of education; and in South Carolina there was a similar body. Nor was this all. In a report of great importance presented at a time when Kentucky was looking out for the best method of establishing a system of education, and after the commissioners who made it had travelled through all the states, and examined into the systems prevalent in each, what was their final conclusion? That it was impossible to hope for progress, to any great extent, in the work of education, without the aid of Government or Legislative interference. Now, England had admitted the principle of such interference with the education of the people. This it was most important to bear in mind; the House had admitted, that the schools could not get on without public aid and superintendence, and that teachers could not be taught without that aid and superintendence; butwhat hadbeen done? Only some small sums of money had been voted, the due application of which they had taken the worst possible means of insuring. But what was 20,000*l.* a-year for such an object? And to whom had the distribution of it been given? To the Treasury. The Lords of the Treasury were the sole directors of the expenditure of this sum, and the sole inspectors of the schools; and it was they alone who were responsible to Parliament for the results of the plan pursued. But it was obvious to every one, that with so many and pressing public duties to perform, it was impossible that the Treasury, Briarean as its grasp might be, and though furnished with as many eyes as Argus himself, could discharge the necessary duties of superintendence, direction, control, and correction, relative to the schools, to which the grant was applied, in a satisfactory and complete manner; they could not have time to inquire fully into a number of points on which it was essential a directing body should be informed—as, for instance, the numbers of the scholars, the subjects of education, the wants of different districts in respect of education, and a variety of other particulars. He proposed, therefore, that a central board of public education should be established, to be composed of fair proportions of the representatives of the different parties and feelings prevalent in the country; and, that with that, there should be combined a system of local bodies or boards to give efficiency to the general scheme, and to control abuses as they arose. He was for a combination of local boards with one central board, because the local boards alone could not be expected to be able to acquire information sufficiently extensive on the subject of education, nor consequently to act with the most enlightened views; while, on the other hand, a central body could not attain an individual interest in each of the schools as a local board might, nor the advantage of being on the spot to correct and punish abuses; wherefore he was extremely anxious to give the local boards a deep interest in the welfare of the system, and to make them feel, that they were bound up in the schools. Why should such a system be denied to England, when it had been established in Ireland, and established, too, without any reference to an Act of Parliament? With respect to religious opinions, he begged to say, once for all, that nothing was farther from his desire than to meddle with religious opinions; to do so was, in all cases, a gross violation of the principles of justice, and a flagrant misdemeanour against society. He wished that Government should take the subject in hand, and appoint a board on the principles which he suggested: that they should set to the work heartily, and not tremble in hesitation and the wish to know what this party or the other would think of their proceedings. In fact, the country could not stand where it was. Recent facts showed this. Within the last week or two, hard by the very threshold of the tribunals of justice, almost under the shadow of Parliament, acts had been done which would throw shame upon the remotest corner of the empire. The Central Society of Education had sent down persons to the neighbourhood of Canterbury immediately on hearing of the late riot there, and they knew that it was not want which had given rise to that unfortunate occurrence; no, the men were in the receipt of 2*s.* a-day. It was not want, therefore, but in the whole of their houses there was not a book found. Hence it was, that they were ready to receive any, the grossest misinterpretation of the Holy Scriptures. Was it to be wondered that in such a state a spark should ignite their passions? However what he said might be despised, he hoped it would not be believed, that there were not numbers of men, in every part of the country, who had deep in their hearts the conviction that there was no hope for this country until it should be emancipated from its ignorance. Other nations would not stop for us; we must advance up to them; and if we did not push forward in the race of civilization, we might depend upon it we should be flung back, even by those over whom we had been most in the habit of asserting our superiority. He moved "that an humble address be presented to her Majesty, that she will be graciously pleased to appoint a Board of Commissioners of Education in England, with the view especially of providing for the wise, equitable, and efficient application of sums granted, or to be granted, for the advancement of education by Parliament, and for the immediate establishment of schools for the education of teachers, in accord with the intention already expressed by the Legislature."

Mr. *Hume*, in seconding the motion briefly called attention to two documents which bore strongly on the subject. The first of these was a report made by the grand jury at the last Durham assizes, in which they expressed their deep regret at the lamentable want of instruction amongst those who are convicted of offences, and also at the general want of instruction amongst the working people. To such an extent did this ignorance prevail, that he believed every grand jury in the country might with truth make a similar report. The second document to which he referred was not from a grand jury, but an address from a society of working men in the metropolis, who, in their humble station, were endeavouring to impart to others the advantages of education. Now he would ask, when these poor men made such efforts with their small means, was it not incumbent upon the Government and the Legislature to apply some of the funds of the country to promote what ought to be considered a national concern? The body of men to whom he referred asked in one of their statements whether it was not injustice to keep men in ignorance, and then punish them for that ignorance? They proceeded to point out some of the general evil effects of ignorance, and they concluded by calling on Parliament to interfere to check it by encouraging public instruction. He did sincerely hope that the Government would take this important matter into its own hands.

Mr. *Colquhoun* said, that he thought the hon. Member for Waterford had not done justice to the service rendered to education by the parliamentary grants, nor to the merits of the plan acted upon for five years by her Majesty's Government. The Treasury had never attempted to regulate the system of education. Their duty had been confined to the distribution of the grant which was annually voted to the two societies, the one connected with the Church, and the other with the Dissenters, which had now been for years engaged in the work of popular education in England. The effects of the grant had been, as far as the National Society was concerned, that out of 100,000*l.* voted by Parliament, they had received 70,000*l.* By this they had been enabled to draw forth public liberality to the extent of 220,000*l.*—they had added by this upwards of 700 schools; and by means of it, they had provided accommodation for more than 130,000 children. These were the consequences which, as far as the National Society was concerned, had flowed from the parliamentary grant. The British and Foreign Schools had, on their part, received 30,000*l.*, and had added, he presumed, proportionally to their numbers. These points ought not be lost sight of in estimating the effects of the sum hitherto voted. The hon. Member, however, was dissatisfied with this system, and proposed to substitute for it another. His object was, to constitute a board, composed of the representatives of the different religious parties in the country. He would remind the hon. Member of a very just observation which had fallen from the noble Lord, the Secretary of State, when this subject was last under the consideration of the House—that no system of education could prosper in this country, which did not carry along with it the religious feelings of the people of England. How was it possible that the system proposed by the hon. Member could do so? It was to be a system of education embracing the points in which the different religious sects were agreed. What were these points? He would suggest to the hon. Member to move for a Committee to inquire what those points were. He knew of none. [" *Oh, oh.*"] He would quote to the hon. Member who doubted his assertion on this subject, an authority which he would acknowledge to be competent, that of Lord Brougham, who, in the House of Lords, June 24th, 1834, said—

> "It had been objected, you might find some certain system of religion to which all Dissenters would agree. They but little knew the human mind who thought the system could be laid down with reference to which all Dissenters would agree. Many differed more from each other than from the Established Church, and would rather come to the Church than agree with their brother sectaries. Those who formed the London University were very anxious to teach church history, biblical criticism, and all those branches on which it was supposed that the different sects agreed. They found it was impossible to do so. They could not agree. It was found better, therefore, to exclude this species of education altogether. This was not a matter of choice; it was the result of a controlling and over-ruling necessity. Secular matters might be compromised, but it was impossible to compromise that which was connected with religious feeling."

It would, therefore, be necessary to exclude religion from popular education, if the object was, to produce an agreement between different religious sects; and he would ask the House whether they were prepared to establish a system of popular education from which religion should be excluded? He would venture to say, that such a system would find no favour with the people of England, nor would such a system produce the desired result in preventing crime and raising the moral character of the people. He need not quote the opinion of Mons. Cousin and Mons. Guizot, who were most emphatic on this subject, that no education was good for anything which was not based on religion. He would refer rather to the opinions of practical men. He would take the testimony of two inspectors of factories, examined before the Committee of 1835, both of whom stated, that the only education which would be useful in repressing crime would be one in which the precepts of the Bible were familiarly taught, and earnestly impressed upon children in the National Schools. He would take also the testimony of an intelligent magistrate of Northumberland, Mr. Grey, and of another gentleman, Mr. Blackton, whose evidence would be found in the Appendix to the poor-law report. These gentlemen attributed the superior morality of the people of Northumberland to the practice established there of teaching the Bible and inculcating its precepts in the schools of that county. He trusted, therefore, that the House would not sanction any system of education which had not this character, nor could the system be of this kind, if the attempt was made to amalgamate in it different religious sects. There was another point which he thought he might fairly put to the House. He would call on the hon. Member to exhibit some specimens of this liberal system of education which was to unite all sects. The National Society, that system which the hon. Member denounced as narrow and sectarian, exhibited to Parliament 110,000 schools and 110,000 specimens of its system. Imperfect as the hon. Member was pleased to think them, they were at least so popular that they embraced in them above 500,000 children of the people of England. What favour did the schools founded on the liberal system meet with? There were indeed, but few specimens of these. One, however, was to be found in Edinburgh, under the auspices of Mr. Simpson, who had accompanied the hon. Member in his educational tour; the other was in Bath. Now what acceptance did these schools meet with? Mr. Simpson tells you, it was hardly possible to keep his liberal school in Edinburgh alive; the subscriptions were languishing, and as for establishing a second school it was out of the question. That is, in a population of 160,000, while numerous schools on the sectarian system were established and flourished, it was hardly possible to keep alive this dwarfish and dwindling specimen of a liberal school: such was the case in Edinburgh. In Bath the liberal school had been established under favourable auspices, as he believed it had the patronage of Mr. Roebuck; such, at least, was the popular impression: and however much hon. Members might differ from Mr. Roebuck's principles, they would acknowledge his talents and zeal in the cause of education. This liberal school, therefore, was started with every advantage, nor was there any indisposition in Bath to the cause of popular education—for the National School there was flourishing, crowded, as he could testify, to the door, a most successful school; in fact, a Normal seminary for the training of masters for the West of England. What was the case, however, with the liberal school? Ushered in with great pomp, with the parade of a numerous committee, with assurances of high success, it fell from one degree of weakness to another, until disappearing from a principal street into an obscure lane in an obscure quarter of Bath, its committee dissolved, its funds withdrawn, its benches empty, and its master reduced to the starvation point, it offered a memorable proof of the degree of favour with which the people of England regard liberal schools. On the other hand, he would satisfy the House that he had not exaggerated the favour with which the National Schools were regarded. For that purpose he would quote the case of Leeds, which he gave as a large town, and a fair specimen of the acceptance of the National Schools in the midst of a manufacturing population. He would, with the permission of the House, read an extract from a letter of the Vicar of Leeds:—

"We had in the Church Schools of this town in Dec. 31, 1837, 4,039 scholars, being an increase of 1,650. There appears to be, at present, a general rush to the Church Sunday-schools. Every school connected with the Church is crowded to excess, and new scholars are presenting themselves every week. It may be of use to prove the preference given by the people to the Church Schools, to observe, that the Ellerlay-lane school was conducted by dissenters for six years, and contained 120 scholars. We have now purchased that school, and it contains 398. The day-schools, conducted on the principles of the Church, contain 860 children. In our National School, containing 375 scholars, children are refused every week for want of room."

He could not give a better, nor a more respectable testimony to the feeling entertained by the people of England towards those schools which the hon. Gentleman would set aside as narrow and sectarian. He would now say one word upon the constitution of the board for which the hon. Member moved. It was true, that the hon. Member had not stated to the House the subsequent proceedings which he would adopt, if such a Board were once established, but it was well that the House should know what was designed, and what would follow if the House consented to introduce a system of which the establishment of a Central Board was the first step. What the system was, he would state on authorities which the hon. Member could not deny, on the authority of that bill for the establishment of a liberal system of education which Lord Brougham had introduced this session into the other House of Parliament, and to which the hon. Member had this night alluded in terms of high praise; on the authority also of Mr. Blake, one of the Commissioners of Irish education, and the House would remember that the hon. Member had referred this very night to the Irish Board, as a model of a national system. What, then, was the Board which Mr. Blake pointed at, and which Lord Brougham actually proposed in his bill? The Board was to consist of three paid Commissioners, lawyers, he did not know whether of that favoured section of six years' standing, paid at an enormous salary, possessing powers, the extent of which would be imagined, when they heard from Mr. Blake, that the Act appointing them should confer upon them more ample powers, and a larger discretion, than were enjoyed by the Poor-law Commissioners. This enormous triumvirate were, in the first place, to lay their hands upon all the charitable endowments which existed in England for the support of education. These amounted, he believed, to somewhat near 800,000*l.* per annum. These they were at once to grasp, to compel the trustees to obey their orders; and if they rebelled, they were to remove the trustees, and replace them by their own creatures; thus were they to levy a rate of 1*s.* in the pound on all property, compel individuals in parishes to sell lands to them, and set up, with one stroke, two schools in every parish in England; they were to appoint the inspectors of these schools, who were to hold their appointment at their pleasure; the masters of all these schools were to be appointed by them, and removable at their pleasure, owing their existence to their breath. So absolute was to be their power over them, that Mr. Blake compared it to the powers of the Government over the constabulary and police—to its power over the army and the navy. As to the local Committees, which the hon. Gentleman had to-night contended, might be of such use, they were to exist, it is true, but they were subject to the entire dictation of this triumvirate, who were to have the power of removing them, and replacing them with their own creatures, if they ventured to differ from their views. Then these Gentlemen were to prescribe the course of instruction; to fix without remonstrance, whatever books it was their pleasure should be read in the schools, with an army of 26,000 masters, submissive to their orders, and instilling their opinions; endowed with enormous funds, and invested with absolute discretion, they were to erect their authority in every parish in England, and to subject the minds of all the children to their unrestricted control. Mons. Cousin, an eminent statist and an anxious inquirer into the state of education, objected to the system of education in Holland, because there were two Normal schools established there, the masters in which were appointed by Government, and the system of education was under the control of Government. He was afraid, that this would place in the hands of Government an undue influence over the popular mind of the country; but what was this indirect and partial power compared with the enormous and oppressive influence with which, on the liberal system of education, it was proposed to invest three paid barristers in London? He would beg to recall to the House the opinion of Lord Brougham, given before the committee in 1834. The far wiser, he must confess it appeared to him, and more practical opinion, than that which he had lately adopted in his bills of education: "Such a system would place in the hands of Government—that is, of the Minister of the day—the means of dictating opinions and principles to the people. If a system of instruction in the hands of Government were established, what security would the country have against its falling into the hands of men who might deem it their duty to propagate their opinions." Such was Lord Brougham's opinion, and such, he trusted, would be the objection of the House to constituting a Board such as the hon. Member proposed—a Board to grasp all the charitable endowments of England, to thrust their hands into every parish in England, to tax the property of the people in order to establish schools in which they should place their own creatures, let loose upon the minds of children their own opinions, mould them according to their own pleasure—a Board, the only guarantee of which was, that it was to teach principles which were not offensive to any religious sect in this country, and what these principles were he was truly at a loss to know.

Mr. *Slaney* did not understand his hon. Friend who had brought forward this motion, to have contended for any universal plan of education, and to such a plan as most wild and visionary he should object. His hon. Friend contended that whatever plan of education might be adopted should be placed under general inspection; whatever system was adopted, general inspection was absolutely necessary with respect to it. For his own part, he would say, that he knew of no system of education whtch could have any salutary effect on the heart and mind, unless it were founded on religion. This was his opinion; but he had never heard the hon. Member say anything to the contrary. The extent to which ignorance went would not surprise any person who had given this subject much attention. Even in the metropolis, where greater pains were taken, it might be said that two out of three of the children were without any education that deserved the name. But the case was still worse in many of the large towns. For instance, in Liverpool, Manchester, Salford, Bury, and Oldham, containing a working population of 841,000 persons, there were not more than 27,000 children sent to school, making the proportion 1 in 31 educated. This did not arise from the fault of the parents, for the great body of the working classes throughout the country were generally, anxious to have their children educated and willingly contributed for that purpose from their earnings, and with a little assistance from Government, and the adoption of a proper system, the sums they contributed in that way would be found to be sufficient. From a calculation which he had seen on this subject, it appeared that in Manchester 14,000*l.* were paid by the working classes for the imperfect education of 17,000 children, but that 4,000*l.* more,—viz. 18,000*l.*, would, if properly applied, give the best education to 25,000 children. In Liverpool 11,000*l.* were given for the imperfect education of 13,000 children closely crammed together in confined and unhealthy neighbourhoods, whereas for 15,000*l.* 20,500 children could have obtained education in the very best manner. He did assure them that the more he looked at this important subject, the more he was convinced that they would deeply rue it if the attention of the Legislature was not speedily directed to devising some means for increasing the amount of education throughout the country. He would say, that they had neglected their duty for many years, and they were now bound without delay to do something for those by whose labour they were supported, and he would ask if they could do less than educate their children? It was, however, extremely desirable, that in any steps which the Government might think proper to adopt, nothing should be done to disturb the good feeling which existed between the British and Foreign School Society and the National School Society, and he thought it better that they should continue to act as two separate and distinct institutions. If the Government were not prepared to take any steps at present, he trusted, at all events, that he should hear from the noble Lord that the Government were prepared to give the matter their fullest consideration, and he hoped that whatever plan might be proposed the House would enter upon the discussion of that plan with a total absence of party feeling, for the question was not one of a party description.

Mr. *Clay* said, the hon. Member for

Kilmarnock had resisted the motion before the House on the ground that it would be impossible in establishing a board of education to avoid offending the religious feelings of some portion of the community. It was extremely unfortunate that no subject could be debated in that House without appeals being made to the religious feelings of some portion of the people. Whether the measures under consideration had reference to the granting of municipal corporations to Ireland, or whether they had reference to any other portion of the policy of the country, still those measures were discussed with reference to the effects which it was argued they would have upon the religion of some particular portion of the people. The argument of the hon. Member for Kilmarnock was, that it would be impossible to avoid giving offence to the religious feelings of some one sect in establishing a board of education; but was the hon. Member willing to intrust the sums granted, and more particularly the sum which ought to be granted, by Parliament for the purposes of education, to two irresponsible bodies? He contended that Parliament, instead of granting 20,000*l.*, ought to grant 200,000*l.*; and he did not think that the hon. Member would be willing to intrust a sum of such an amount to two societies which, whatever might be their merits, had not the power of carrying their good intentions into execution. Government might interfere without exciting the jealousy of any sect; and he was persuaded that a board of inspection would be productive of the very best effects. He could assure the House, that the want of education was generally felt, and although it was not his intention to enter into details, yet he might be allowed to state one circumstance, which would have the effect of showing the state of education in some of the most important districts of the metropolis. In one of the parishes of the borough which he had the honour to represent, he alluded to the parish of Bethnal-green, where a society for the promotion of education had been established, there was a population of 62,000, and there were about 14,000 children between the ages of five and fourteen. Of the whole 14,000, not more than 2,000 were receiving instruction of any description. Such was the state of things even in the metropolis, and he thought, that that one fact alone ought to be sufficient to induce the Legislature to take some steps to promote the education of the people. Not one year, he contended, ought to pass without some measures being adopted to remedy such a state of things, and he did hope to hear from the noble Lord, that something would be done by the Government without delay.

Mr. *Hawes* observed, that the hon. Member for Kilmarnock had said, that he was perfectly satisfied with the mode in which the money granted by Parliament for the purposes of education was at present distributed, and that he wished for the establishment of no board of education. Now, he would ask the hon. Member whether that money was distributed at present according to the wants of the people? Would a poor district, peopled principally by Dissenters, obtain a part of that money under the present system? No; the hon. Member knew that such a district could not obtain any portion of the sum voted by Parliament out of the general revenue of the nation, and he would ask, whether it was just or proper that the Church of England, because she was such, should have the whole benefit of the money voted out of the public revenue? Such, he would say, was not the principle upon which the money ought to be distributed, and it was the duty of the House to find out those places where there was a want of education, and they were bound to supply the deficiency without regard to sectarian prejudices. All the duties of the board, proposed by his hon. Friend, were of an administrative character, and not calculated to create jealousy between contending sects, and he thought, nothing could be fairer than such a proposition, as he was convinced that such a board would be productive of the best effects. The Lords of the Treasury had already enough to do, and he would ask the hon. Member whether it was fair that additional duties should be imposed upon them? Yet the hon. Member contended, that the distribution of the money voted by Parliament should remain with the Treasury; and the object the hon. Gentleman had in view in such a proposal was evident. The hon. Member was fully aware that, by such an arrangement, the whole sum would go to the members of the Established Church; but he hoped to hear from the noble Lord that the Government were prepared to adopt some plan which would do equal justice to all parties.

Mr. *Baines* said, that the number of Sunday-schools belonging to Dissenters instead of being 4,000 was, he believed, 6,000, and he thought it right to mention the fact in order to prevent any one from being misled on the subject. The sum granted by the Treasury for the purposes of education was 20,000*l.*, and this fund, he must say, was most unequally distributed. Of it the schools connected with the Established Church received 10,000*l.*, while the other 10,000*l.* was given to the schools of all other religious denominations. This, he contended, was anything but fair or just, and to show the inequality of the distribution, he had only to mention that the rich districts alone could obtain grants, while the poor could get nothing. He was one of those who thought that the subject of education ought to be attended to by the State; and whatever weight might be attached to the opinions of Lord Brougham in other respects, sure he was, that with reference to education they were entitled to the utmost possible credit. Lord Brougham had done much for the cause of education, for not only had he brought to light the fact that funds had been misapplied, but he had rendered it impossible that abuses of a similar kind could arise in future with respect to the application of those funds. The views of Lord Brougham, therefore, were entitled to the utmost weight. If his (Mr. Baines's) hon. Friend pressed his motion, not only would he support him, but he trusted that the Government would adopt the view which he took, and that those who advocated other sentiments in that House would take the course which he meant to pursue.

Sir *R. Inglis* said, that, not having heard the whole of the discussion, he did not mean to go at any length into the subject under consideration. What he rose for, principally, was, to say, that, whatever the merits of Lord Brougham's opinions might be in other respects, his view was, that the education of the children of England should be committed to the hands of the clergy of the Established Church. In 1818, he believed, Lord Brougham made a most elaborate statement on this question of education, and the great result at which he arrived was, that the education of the people ought to be placed under the direction of the clergy of the Established Church. The hon. Member for Leeds and other hon. Gentlemen had talked of sects, and seemed to suppose that the Church of England had ceased to exist as an Established Church; but he could tell them that they little knew the strength of that Church and their own weakness. It had been attempted "to frighten them from their propriety" by a display of numbers, and it had been said, that what the Dissenters demanded they must have, on the ground of numbers. The argument, however, with reference to numbers had been tested by the application of the rules of arithmetic, and what was the result? Why, that, as far as numbers were concerned, the Dissenters were not justified in talking of the Church of England as a mere sect. It was true, that the hon. Gentlemen opposite had complimented the Church of England on its wealth, but he must claim for that Church the right to be considered as the first estate of the realm. [Cries of "*Question, question!*"] When the hon. Member for Leeds called the Church of England a mere sect, he had a right, and it was his duty to do it, to insist upon the distinction to which the Church of England was entitled, and not to allow its legitimate claims to be impugned by any one, whether in or out of that House. He certainly should oppose the proposition of the hon. Member for Waterford.

Mr. *Brotherton* thought, great praise was due to the hon. Member for bringing forward this motion; and could not but express his regret at the lamentable neglect of education in the manufacturing districts. In the part with which he was connected many children between five and fifteen were destitute of the means of education.

Lord *J. Russell* said, that a more important subject could not come before the House than had been brought on to-night. With regard to the statements that had been made as to the distribution of the funds voted by Parliament, some had supposed that there had been an unfairness in the distribution, and it had been considered that half of the grant ought to go to the Church, and half to the Dissenters. But the principle on which the Treasury had proceeded was different; they had deemed it their duty, in distributing 20,000*l.* for example, not to give 10,000*l.* to one, and 10,000*l.* to the other, but, without looking to the claims of either, to distribute the grant so that the greatest quantity of education should be obtained. The best mode of doing this was to say, that where a considerable amount of money was subscribed, they would give such a portion of the grant as would secure the greatest number of scholars. It was obvious, that to obtain this greatest quantity of education, supposing there was 5,000*l.* to give, and on one hand 10,000*l.* was subscribed, it was better to make this 15,000*l.* and apply it to education, than to give the 5,000*l.* to another set of persons who had subscribed only 5,000*l.*, and thus applying only 10,000*l.* to education. In the great deficiency of education in this country it was their duty to apply the grant in such a manner as to secure the greatest amount of education. With regard to the results, it appeared that, in 1833, the number of scholars for whose education money had been given by the Treasury was 30,356; the total amount applied to education had been 48,000*l.*, of which the grant from the Treasury had been 20,484*l.* In 1834 the number of scholars was 41,000; the total amount of money expended 59,619*l.*; granted by the Treasury 19,358*l.*; so that only 19,000*l.* had been expended by the state in the education of 41,000 persons. In 1835 the number of scholars was 45,321, total money applied to their education 71,731*l.*, of which only 21,659*l.* had been given by the Treasury. The population amongst whom these scholars were found amounted in the first year to 1,139,000, in the second year to 1,846,000, and in the third year to 1,615,000. He owned he could not see any means by which so small a sum as had been granted by Parliament could have been applied in a more useful way so as to educate a greater number of scholars. He must admit, that there was another question, and a more extensive question, to which the attention of the Government and of the House ought to be turned; for if the money were applied in this or any other manner, still it was clear, that a large portion of the population of the country—the poorest classes—would be left without education. The hon. Member for Shrewsbury had stated of a large district, that where there ought to be three educated, two were uneducated; and in other districts it was still worse, for there only one out of four children were educated. The result was, that not only was a vast number of the people without the instruction they ought to have, but that when returns were made from gaols, and chaplains were asked what had been the result of their inquiries, it was found, that many of the persons in gaols for crimes of the deepest die were without the simplest elements of religious instruction—not only those elements of religious instruction on which the different classes of Protestants and Catholics, Churchmen and Dissenters disagreed, but those elements of religious instruction in which all were unanimous and of one opinion. This could not be said to be a satisfactory state of things. There were various speculations with regard to education; some thought, that education had a certain effect in preventing crime; others, on the contrary, thought, that crime was not prevented by education; but this must be allowed—that it was the duty of the State to afford the people the means of making a choice; that they should be made aware of what their religious and moral duties were, and if they then deviated from those obligations, the State would not have the responsibility of never having afforded them the slightest means of education. The exertions of the societies which had promoted the cause of education had been but little assisted by the small grant which each year had provided. Supposing the grant had been given with the best judgment and discrimination, it was clear that any distribution could not have provided a considerable fund, and that the money raised must have been independent of the grant, by voluntary contribution. Therefore, he asserted, as he had done on various occasions, that the effects of the grant of the State as to the education of the people had not yet been fully realised. He was aware of what had been done by the National Society, year after year, by the British and Foreign School Society) its means were extremely limited) and by other voluntary societies, and by individuals (and no individual deserved more praise on this head than the hon. Member for Waterford); but still it was with regret he said, that he was not prepared to state any manner in which he thought Parliament should be called on to aid the work of education beyond what it had done. He felt that there were such objections entertained by different parties as to the mode in which education should be carried on, that he thought it would be far better to wait till there was a greater agreement of opinion on the subject, than to adopt this address. Suppose a commission was issued by the Crown, one of two courses must be taken; one opinion would be entertained on the subject by the Church society, and another by the British and Foreign society. Other societies differed from each other, and their differences were not likely to be reconciled by a central board or commission. Why, then, if persons of different opinions were called to act in this central commission, these differences of opinion would break out, and the board would be inoperative. On the other hand, if the board were to consist of only one of the classes, although its operations would be more prompt, a great portion of the community would be dissatisfied, and would exert themselves to oppose the decision of the board. With regard to the different modes of education which had been proposed, the first was that of the British and Foreign School Society, a system, in his opinion, best adapted for this country,—namely, that the education should be a religious education, but that no catechism of any sort should be introduced into the schools, and that the children should not be confined to any place of worship, but might go where their parents liked. The National Society's system of education was conducted on the principle that the catechism should be taught in the schools, and that the children should go to church on Sundays. If the former system was adopted, a great many of the National Society, and a great many churchmen would object to it, because the catechism was not taught in the school. If the latter system were adopted, the Dissenters would urge that, although it might be fit for a particular society to teach the catechism in its schools, it was not fit for the community at large, and for Dissenters to be obliged to comply, and to let their children be taught the church catechism. A third mode had been suggested, as more suited to the education of the nation; that was, as far as he understood it, that the education given in the schools should be entirely of a secular nature, and that the clergymen of the church, and the ministers of each particular sect, should give religious instruction separately to the children, at different times and places from the education given in the schools. That was a very plausible system, and it would seem at first that persons of all religious creeds might be reconciled to such a proposition; but he was convinced, in the first place, that it was not a system which would ever meet with the general assent of the people of this country; and he was convinced, in the second place, although he only spoke from hypothetical grounds, that it would fail to implant in the minds of the children that religious and moral culture which was necessary, in order to enable them to become good members of society. But with these differences of opinion, whatever might be the individual sentiments of Members of that House, or of those out of it, he confessed he did not see, until there was more likelihood of agreement among the leading persons who were in favour of general education in this country, that it would be a good plan to establish a commission or a board of education by the Government, because, in whatever way it might be constituted, it would create great jealousy on all hands on this subject. There was one great point, however, which was deserving of attention—it was that of contributing to the education of teachers, and affording a better set of teachers than now existed in this country. That, he thought, was an exceedingly useful scheme; but he thought, also, another scheme must be adopted with it whenever it might be adopted. The plan he meant was, that there should be given to those teachers, after they had left the schools of discipline, a certain amount of salary in addition to what might be given by the schools in which they would be engaged; because, in fact, the education which was given to the teachers was so good, that they found the usual salary of a schoolmaster was very much smaller than the remuneration which they could obtain by engaging themselves in other professions or occupations. This had been found to be the case in the British and Foreign School Society; those teachers to whom the greatest attention was paid, and who were made the fittest to conduct the education of the young, were often the first to find some other situation, feeling that it was not worth their while to pursue a profession of which he must say, although at present it was very inadequately rewarded, he considered it to be one of the noblest and most honourable which any man could undertake. He thought they could do nothing better—if by law it was possible to do so—than to raise the profession of schoolmaster by taking care to provide a more adequate income, and by making it, in some way or other, a passage and a path to future rewards, so that men might not be left for some 40*l.* or 50*l.* a-year to spend the best of their days in the drudgery and toil of the school-room, without any prospect of advancing their interests, or even securing a comfortable provision for old age. He wished, therefore, to say, that although he was not prepared to agree to the proposal of the hon. Gentleman, because he thought the Government ought not to adopt such a motion without making up their minds that they could thereby take a useful step in respect to education, at the same time he declared, that he was fully convinced that it was the duty of Parliament and of the state to further and encourage education in this country. Whether the results of that education would altogether bear out the expectations which had been entertained was a question on which he did not then think it necessary to enter; he was quite sure that though some of the more sanguine of those expectations were likely to be disappointed, very great good would be effected; and he was convinced, with all the various means at hand, with the Church with an income so very considerable, with charitable foundations of such very large amount, with the large income of the state itself, and with the wealth of this country generally, that they ought not to permit education to remain in that low and inferior condition in which it was unfortunately at the present day.

Mr. *W. S. O'Brien* regretted, that the speech of the noble Lord indicated, that the present opportunity of conferring a great boon on this country was to be lost. The present mode of administering the funds devoted to national education, he must say was unwise, and called for an immediate alteration. He did not see why religious topics should have been mixed up with the question of establishing a board of education. Surely there could be no difficulty in finding a sufficient number of persons fully competent to undertake the responsibility of being members of that board, and to discharge their duties without reference to religious prejudices.

The *Chancellor of the Exchequer* would venture, considering the desire that prevailed on every hand to forward education throughout the country, to urge on the hon. Member for Waterford the expediency of not pressing his motion to a division. He conceived, that the object of the hon. Gentleman would be sufficiently answered without going to a division. The good which his motion would do, was rather to call the attention of Parliament, and of the public, to the duty of providing a better mode of education, than to call on the House at the present moment, and in the present state of the question to take the step proposed in that motion. The hon. Member for Limerick had said, that the funds applied to public education, were at present unwisely administered. The hon. Gentleman should consider not only the positive good done by the application of those funds, but the good that had been done by not suffering private benevolence to be directed from its accustomed channel and legitimate object. If Parliament were to double or even quadruple the vote already given, if they were to supply the whole amount now supplied by private funds, would it not rather prejudice than help the progress of education? If Parliament did step in, it must be prepared to go further, otherwise the experiment would be a dangerous one. Some hon. Gentlemen thought the Government acted unfairly, because the national society had a larger share of the public grant than the British and Foreign School Society. But why was it so? Because the National Society produced more money than the other. That was the rule. If the people of England gave more money to one society than to the other, then that society was entitled to the larger grant. Why did not both societies on their own part require the Government to do a great deal more? First, there was the National Society, the richest and most powerful, which ought to be a model for all other school societies in the land; and yet let any hon. Gentleman visit the model school connected with it, and would he come to the House and say, that it was a credit to the society, or that it was formed and conducted on principles that were advantageous to the education of the people? For the two years last past, the Government had made offers for extending improved modern schools for the instruction of masters, and neither society, the British nor the National, had come forward to accept those offers. both societies would be defective until they established a much more active system of inspection and superintendence than they employed at present. They were satisfied with the establishment of schools, and with keeping up a correspondence with the clergyman, or active man, in the neighbourhood, but they did not bring the whole of the machinery under their control. Money had been voted from year to year; the number of schools and of scholars was known, but there was no practical report of the state of those schools, to show how far they had answered the purposes of Parliament in diffusing among the people that education of which they were intended to be the channels. He thought the Parliament was entitled to call on those societies to give an account of their stewardship. He did not undervalue the inquiry of the committee on education; but he thought a fair report ought to be made to the Government and to that House of the condition of the number of schools founded and endowed by Parliament. That would be just now one of the most useful interpositions of parliamentary authority; it would give authority to the societies themselves to call on the several schools to prove the grounds for their claim to the bounty they received, and it would make the best foundation for a new and a large consideration of this question. The books in use in these schools were, for the most part, very inferior to those which had been provided by the literary skill and industry of individuals, and which were in general use in other schools. These things might be remedied, and that would lead to the co-operation of Parliament. The two societies he had mentioned were daily approximating towards each other, and he believed, that the great mass of Dissenters would be ready to consolidate their schools with the establishment if the church catechism were taught on Sundays only. Believing, that the interference of Government, by appointing a commission or board of education, in the present state of the question would create great jealousy amongst all parties, and be injurious to the progress of education, he must oppose the motion, and hoped that the hon. Gentleman would not persist in it.

Dr. *Lushington* agreed with many observations which had fallen from his noble Friend and from the right hon. Gentleman who had just sat down with respect to the manner in which this subject ought to be considered. But with respect to the amount of the grants made being in proportion to the money raised by the parties applying for assistance to the Government, that was a principle which did not operate with perfect benefit and justice to the people of this country. The amount of money could not be equal in every instance. In one parish the people might raise 1,000*l*., but you might go to the next parish, and there, where the want of education was five times as great, and the number of inhabitants in a state of destitution considerably larger, infinitely less money would be raised for the purposes of education: yet to that place, notwithstanding its increased wants and helplessness, the grant would be a great deal less than to the richer and better educated parish. To poor places additional grants should be made, and the restrictions at present imposed ought to be removed. But if his right hon. Friend answered him by saying, "By these arguments you would discourage public contributions and the charitable exertions of individuals," he would say—"No, but let the amount of their contributions be considered in connexion with their power to subscribe. If they found that in the poorest districts of London education was most needed, and that it was utterly impossible for the people to raise money sufficient to obtain a grant equal to the wants of that district, which he asserted to be the fact, then he would say, in the name of the people of such a district—"Tax us according to our ability; do not deny us assistance because we have not the power to do more to assist ourselves." Where was the greatest want of education? In the most populous and the poorest parts. He would put it to the House and to the country what were likely to be the effects on the morality of this great metropolis, what the consequence with respect to crime, what the result with regard to the contamination of youth, while there was a district like that of Spitalfields and Bethnal-green, in which there were 10,000 children rising every morning, of which a moiety, and above a moiety, had no employment, and no education, and were exposed to every possible temptation to evil? It was his firm conviction that it was impossible such a population could remain even in its present degraded state, and that the evils of their condition must increase and extend to others unless some means were promptly taken to educate and reclaim them. Unless they attempted to check the growing evil, they ought to experience, he would not say the effects of it in their own sufferings, but in feelings of the deepest regret, that so many persons should be left exposed to every species of temptation, and deprived of that education, which, under the providence of God, was the surest safeguard against temptation to evil. He therefore objected to any postponement of this question. Notwithstanding, he did not very sanguinely hope that the object of the motion of the hon. Member for Waterford would be attained, he did urge upon her Majesty's Ministers without any delay, to a certain extent at least, to provide the means for obviating these evils by establishing such regulations for the disposition of the funds at their command as would tend to prevent the continuance of those mischiefs arising from the want of education, which had been described by his hon. Friend, and of many more which it was in his power to describe.

Mr. *Wyse* replied; as to the observations of the hon. Member for Kilmarnock, and the quotations he had made from the evidence of Mr. Blake before the Committee of which he (Mr. Wyse) had been chairman, he would only remark, that he could quote the evidence of many other witnesses which would give a full answer to the hon. Gentleman's position. With regard to the bill of Lord Brougham, he must say, that there were many portions of it which he approved of, and should be glad to see carried into law. In the motion he had submitted he had no wish to bind the conscience of any man; he desired, that the Dissenter should have the benefit of instruction in reading, writing, geography, and other useful acquirements, without reference to his creed, and the same benefits he wished to see conferred upon the Churchman. He could not conceive why, if grants of the public money were made to the Treasury, the administration of those funds ought not to be confided to a particular and especial department of the board, in order, that it might be ascertained, that a control should exist over those schools, in aid of which the public money was granted. He, therefore, could not assent to withdraw the present motion, and, having heard no declaration of approbation by the Government of the measures he had suggested, he thought it necessary, by taking a division, to place his views and opinions upon record.

The House divided:—Ayes 70: Noes 74; Majority 4.

List of the AYES.

Aglionby, H. A.
Aglionby, Major
Ainsworth, F.
Archbold, R.
Baines, E.
Beamish, F. B.
Bewes, T.
Blake, M. J.
Bridgman, H.
Brodie, W. B.
Brotherton, J.
Bryan, G.
Bulwer, E. L.
Busfield, W.
Cayley, E. S.
Chichester, J. P.
Clay, W.
Collier, J.
Collins, W.
Craig, W. G.
Duckworth, S.
Duke, Sir J.
Easthope, J.
Evans, Sir De L.
Finch, F.
Grote, G.
Hall, B.
Hawes, B.
Hector, C. J.
Howard, P. H.
Humphery, J.
Jephson, C. D. O.
Jervis, J.
Jervis, S.
Johnson, General
Langdale, hon. C.
Lister, E. C.
Lynch, A. H.
Marsland, H.
Morris, D.
Muskett, G. A.
O'Brien, W. S.
O'Connell, D.
O'Conor Don
Parrott, J.
Pease, J.
Pechell, Captain
Pryme, G.
Rice, E. R.
Roche, W.
Roche, D.
Rundle, J.
Slaney, R. A.
Smith, B.
Somerville, Sir W. M.
Stansfield, W. R.
Stewart, J.
Stuart, Lord J.
Stuart, V.
Style, Sir C.
Thornely, T.
Vigors, N. A.
Villiers, C. P.
Wallace, R.
Ward, H. G.
White, A.
Williams, W.
Wood, S. M.
Wood, G.
Yates, J. A.

TELLERS.

Wyse, T.
Hume, J.

List of the NOES.

Adam, Admiral
Attwood, W.
Bailey, J.
Bethell, R.
Blair, J.
Blandford, Lord
Blennerhassett, A.
Briscoe, J. I.
Bruges, W. H. L.
Burroughes, H.
Clerk, Sir G.
Colquhoun, J. C.
Courtenay, P.
Crawley, S.
Darby, G.
Dowdeswell, W.
Ellis, J.
Estcourt, T.
Evans, W.
Ferguson, R. C.
Gladstone, W. E.
Gordon, Captain
Gore, O. J. R.
Goulburn, H.
Graham, Sir J.
Grey, Sir G.
Hawkins, J. H.
Hodgson, R.
Houstoun, G.
Howard, F. J.
Howard, R.
Howick, Viscount

Hughes, W. B.
Hurt, F.
Inglis, Sir R. H.
Kirk, P.
Labouchere. H.
Lascelles, W.
Lefevre, C. S.
Lowther, J. H.
Lushington, Dr.
M'Taggart, J.
Maule, W. H.
Moneypenny, T.
Noel, W. M.
Palmer, C. F.
Palmer, G.
Parker, J.
Perceval, Colonel
Plumptre, J. P.
Praed, W. M.
Pringle, A.
Rice, rt. hon. T. S.
Rickford, W.
Rolfe, Sir R. M.
Round, C. G.
Round, J.
Russell, Lord J.
Sandon, Lord
Smyth, Sir G. H.
Stanley, E. J.
Stanley, Lord
Strickland, Sir G.
Talfourd, Sergeant
Teignmouth, Lord
Troubridge, Sir E. T.
Vere, Sir C. B.
Vivian, J. E.
Vivian, Sir R. H.
Wemyss, J. E.
Wood, T.
Wrightson, W. B.

TELLERS.

Gordon, R.
Wood, C.

MAILS ON RAILWAYS.] Mr. *Labouchere*, in moving for leave to bring in a bill for providing for the conveyance of mails by railroads, observed, that it must be obvious to every hon. Member, that the great alteration which had latterly taken place in the internal communications of this country, by the establishment of railways in various directions, must materially affect the post-office service. A committee had been appointed early in the session to consider what Legislative measures might be rendered necessary to provide for this altered state of circumstances; and upon the report of that committee, the bill which he proposed to bring in was founded. In asking leave of the House to bring in this bill, he would confine himself to stating, without any argument, what were its main provisions. The first resolution to which the committee had come—and it was agreed to unanimously—was to the effect that railway companies appear to have it in their power practically to prevent the transmission of the correspondence of the country by the established means of communication, and to take whatever steps in this matter they pleased. If hon. Members would take the trouble of referring to the evidence which was laid before the committee, they would find, that there was no exaggeration in this statement. The Post-office had, in point of fact, been already deprived altogether, in certain cases, of the power of carrying on the correspondence of the country, because where railways existed, in all the parallel lines of road, the traffic by stage-coaches was absolutely put a stop to. The Post-office would, therefore, be obliged to have recourse to the agency of the railways, or suspend the transmission of letters altogether. This important fact had been established by the committee—that by the railway acts a monopoly was vested in the proprietors of the railway companies, who possessed that monopoly not only as proprietors, but as carriers, they being enabled to demand heavy tolls from persons running carriages upon their several lines. These tolls were so high, that the Legislature was found to have practically given to these companies the power to exact an amount equal to or nearly approaching, in almost every instance, the sum which they demanded of passengers. Persons attempting to run carriages upon their lines must pay this toll, and demand some fare besides. The monopoly of the communications of the country, which had been given by law to these railway companies, might, therefore, be considered as absolute. For this novel and unprecedented state of things it was necessary to provide a remedy. He begged to observe that he did not mean to cast the slightest reflection on the manner in which these companies were conducted. But, however respectable these parties might be, if the Government were to continue responsible for the transactions of the Post-office, it must not be left to the mercy of any private company, however eminent. His right hon. Friend, the Chancellor of the Exchequer, had, upon various occasions, when railway bills were before the House, put in his claim on the part of the Government whenever it was possible, and asked of the House to agree to measures calculated to obviate any inconvenience which might be found to arise; and to give to the Postmaster-general the power of requiring from the proprietors of railroads any reasonable services which he might require. With respect to the question of remuneration, that would be settled by arbitration, one arbitrator being chosen for the Post-office, another for the railroad; and in case of a difference of opinion arising, an umpire would be elected to decide. He fully admitted, that the mode of deciding, with respect to expenses by arbitration, was not the most advantageous to the Government; but, at the same time, the committee, after considering whether they could find any general principles applicable to the payment of charges by railroad companies, were unable to discover one, though they were of opinion that, after great experience had been had on these undertakings, data might exist on which to found a general rule. Under these circumstances, the committee recommended, for the present, that the settlement of the charges should be made by arbitration, though it was admitted to be an imperfect and inconvenient mode of proceeding. It was also provided by the bill, that it should not be lawful for any railroad company to enact any by-law to restrict powers thus conferred on the Post-office. Such a provision was necessary, for some of the companies closed their railroads on Sundays; and unless the Post-office possessed the power of transmitting letters, the consequence would be that the correspondence of the country would be interrupted. These arrangements had not received any opposition from the proprietors of rail-roads, but he was now about to state a provision to which he was afraid some objection might be offered. It was thought by the committee, that these powers were not sufficient to enable the Post-office to carry on communications with the country with that expedition and economy which were necessary for this department; and though they were perfectly satisfied of the general willingness on the part of the rail-road proprietors to meet the wishes of the Post-office, still it was deemed advisable, considering that the carriage of letters must always be regarded as a secondary object to the carriage of passengers, to give the Post-office an additional power, in case any company should resist the fair demands of that establishment. The House would perceive how necessary this was, when it was recollected that between London and Manchester, as likewise between London and Brighton, the Post-office would have to deal with three different companies. It was, therefore, indispensable that security should be taken to prevent any interruption to the communications arising from a feeling of jealousy between the companies, or from any other cause; and the committee had come to a resolution, declaring that it was expedient to give the right to the Post-office to run their own engines on any railway with a train containing a limited number of passengers, and luggage without payment of tolls, subject to a payment to be fixed by arbitration for any services that might be required from the rail-road companies. The right hon. Gentleman opposite asked why the Post-office should have the power of conveying passengers besides letters. He would state the reason; and he would take the instance of the Post-office conveying letters on part of a continuous railroad, in which two or three different companies had an interest. When the letters arrived at the end of the first portion of the road, the next company would charge, and with justice, most exorbitantly for their conveyance if no passengers arrived with them. He might also take the case of a road where part of the communication was carried on by horsed carriages; and in such a case the House could not doubt that a most extravagant charge would be made for the conveyance of the letters alone; for the only means by which the Post-office was enabled to send letters so cheaply through the country was by transmitting them by mail, which carried passengers and was free from toll. It was, of course, provided, that any damage which might be caused to the railway by the carriages employed by the Post-office should be settled by arbitration. The hon. Gentleman concluded by moving for leave to introduce the bill.

Mr. *Goulburn* said, that as the effect of the establishment of the railroads would be to destroy all the ordinary means of communication, it was the bounden duty of the Government to provide for the due conveyance, not only of the mails, but of troops and the stores belonging to them. He felt alarm at the proposition, that the expense should be settled by arbitration; for the Government had then never fair play. He therefore suggested whether it would not be better to fix the rate of payment for the Government according to the charge of remuneration established by the proprietors of railroads for the public.

Sir *G. Strickland* saw the necessity of passing some bill like the one proposed; but as the railroads had been established by a vast outlay of private funds, the interests of the proprietors ought not to be overlooked. He therefore thought it would be better for the Post-office to endeavour to come to an amicable arrangement, in the first instance, with the proprietors of railroads; and if that attempt failed, then to resort to arbitration.

The *Chancellor of the Exchequer* could assure the hon. Gentleman and the House, that, although it appeared to her Majesty's Government to be absolutely necessary that they should be vested with these extraordinary powers, he sincerely hoped that they might never be compelled to use them. Unless those powers were given, the remainder of the bill would be quite unavailing. The measure might fail; but it would be well for the railway companies to keep in mind, that if it did, if they were so unreasonable in their demands as to prevent the bags from being carried on their railroads, it would be quite in the power of that House to impose such duties upon them as completely to counterbalance the additional charge to which, by such conduct, they would subject the Post-office.

Mr. *Pease* believed it to be impossible for the Post-office to run separate trains. How were they to be supplied with water and fuel on the road? How obtain all the conveniences which the immense establishments of the railroads afforded to their own trains? Was it possible for any man to require the use of all these for carrying on business which unjustly invaded the property of the railroad companies, by paying no compensation for their costly works, and demanding their constant employment.

Mr. *Easthope*, at that late hour of the night, would trespass but a very few moments on the attention of the House. With respect to the conveyance of letters and all other traffic, of whatever kind, which the Government of the country required for the public interest, he felt that it should be secured in the most ample degree; but the question was, should it be required without reasonable and moderate payment for the cost of constructing and maintaining the railways? The committee were unanimous in favour of giving the greatest possible security for the steady and punctual performance of the Post-office business; but not so in respect to this being done without any allowance for the cost of the construction of the railroads. Some Members of the committee objected to the sixth resolution as an invasion of the rights of property, and they also considered it to be impossible for the Post-office to run their own engines under a separate management without creating great danger and inconvenience to the public. The evidence taken by the committee amply confirmed this view, whilst there was no evidence to support the practicability of the Post-office running its own separate train with safety to the public, or the justice of doing so without any payment or toll, as a compensation for the original construction of the railroad. The adoption of such a principle would engender amongst the proprietors of railroads the greatest alarm. They certainly had the greatest repugnance to establish a principle which they deemed fraught with danger and inconvenience to the public, and also an invasion of the rights of property so monstrous that he never could believe it would obtain the sanction of that House.

Leave given.

HOUSE OF LORDS,

Friday, June 15, 1838.

MINUTES.] Bill. Read a third time:—Vacations; Sittings of King's Bench.

Petitions presented. By Lord CLONCURRY, from Mining Companies (Ireland), to be exempted from the operation of the Poor Relief (Ireland) Bill.—By the Duke of BUCCLEUGH, from Selkirk and Edinburgh, for a reduction of Postage.—By Lord BROUGHAM, from several places, for the Abolition of Negro Apprenticeship; and from Wm. Roberts, for attention to his plan for preserving Dead Bodies.

NEGRO APPRENTICESHIP.] Lord *Brougham* said, that he was not about to press, during the present Session, the second reading of the bill which he had introduced for the entire Abolition of the system of Negro Apprenticeship in the West-India colonies; his reason for that determination was this: they were now in the middle of June; and he had never in his experience found any good result from mixing up different questions together, and, until the Irish Poor Relief Bill was disposed of, he felt it hopeless to attempt to arrest their Lordships' attention to even so important a subject as that of negro slavery itself. If he were to proceed with the bill, probably the first of August would arrive before it could be passed. His hopes, therefore, for the present were unhappily at an end of terminating negro apprenticeship by an act of the British Legislature this Session. But if nothing further should be done this Session, he still entertained a hope that Parliament would interfere at the earliest period next

Session, for the purpose at least of cutting off a year or eighteen months from the apprenticeship state; if, in the meantime, those colonies which had legislatures should not have taken any steps themselves to do that which, he was always the first to admit, if they would wisely, cheerfully, and readily do, would be better. But he was now about to call their Lordships' attention to another part of the subject; and he particularly implored the attention of her Majesty's Government to it, for it was in their power to come to his assistance, and accomplish what he was about to propound. There were colonies which had already emancipated their slaves. Antigua, which had 30,000 negroes; Montserrat, where there were 5,000 or 6,000; Nevis, about the same number; Bermuda, also about the same number; and Barbadoes, where there were 83,000 negroes: for he rejoiced to say, that within the last three or four days he had received information that a bill had passed both Houses of the legislature of that colony for terminating negro apprenticeship on the first of next August. Barbadoes, next to Jamaica, had the greatest number of slaves of all our West-India colonies. It had 83,000 negroes, while 79,000 was the negro population of British Guiana. The next important island was the Mauritius, where there was a population of 62,000 negroes, but Barbadoes, in point of antiquity, and of the number of its resident proprietors, and of the respectability of those proprietors, was incomparably superior to any other of the islands. It was, however, the negro population which gave an island more or less importance with a view to the present question, and on that point Barbadoes came next to Jamaica. Well, in those legislative colonies, Antigua, Montserrat, Nevis, Bermuda, and Barbadoes, the negro apprenticeship system was abolished; and it was his hope and trust that the most important island of all, Jamaica, would follow the same noble and wise example. Already the act of abolition would emancipate, on the 1st of August, 43,000 slaves in Jamaica. Already there had been children emancipated to the amount of 36,000, and including the variety of manumissions by many proprietors, after the noble example set them by the late Governor of Jamaica, his noble Friend (the Marquess of Sligo) then near him, he would venture to say, that the whole number that would be emancipated would not amount to less, on the 1st of August, than 100,000 in Jamaica alone, making altogether 241,000. Thus, more than one third of the whole of the negro population in the colonies would on the 1st of August be emancipated without the interference of Parliament, and without the further interference of the colonial legislatures. Now, he trusted that Jamaica would follow the bright example that had been given by the other legislative colonies. But there were colonies which, however well disposed, and however much circumstances might make it necessary even for their safety that they should follow that example, were yet unable to do so. Now, the more the colonies were which set their negroes free, the more perilous would be the situation of those colonies which did not follow that example, and the more would be their risk and jeopardy of ruin. In what situation, then, would those colonies be placed which could not, if they would, emancipate their slaves; whose hands by law were tied up; whose constitution and very form of government would not suffer them if they would, to follow the wise and generous example set them by other colonies? He alluded to the Crown colonies. In Guiana there were 79,000 negroes; in Trinidad there were 30,000 or 40,000; in the Mauritius there were 62,000; all of which colonies were impotent to redeem themselves, how noble soever their resolves be; how prudent their wishes might be; or how urgent the necessity of their affairs and circumstances might be, for following the example of Antigua and Barbadoes. But the Crown, by an order in council, might do it for them, either by at once emancipating the apprentices, or by giving the colonists a power themselves to emancipate them. Wherefore it was, that he entreated the attention of her Majesty's Government to the observations he was at present making, and which he intended merely for the purpose of reminding them of the position in which the affairs of those colonies now were.

Bill withdrawn.

TITHE MEETINGS (IRELAND).] The Earl of *Glengall* was desirous of calling the attention of her Majesty's Government to certain notices which had been given of large assemblies of the people in the south of Ireland being about to take place on the subject of tithes. He especially alluded to the announcement of a great tithe meeting that would take place on the 25th of this month, in the county of Tipperary; and also to another meeting of a similar description which was advertised to be held in Cloncurry, in the same county, in the course of this present month. These meetings were nominally said to be for the purpose of petitioning Parliament for the total abolition of tithes; but they really partook of a very peculiar character. Immense numbers of the lowest orders of the people assembled from all parts of the county to the extent of 20,000 or 30,000. The meetings were not called by any particular authority or body of persons. They were not convened by the high sheriff, the lord-lieutenant of the county, or by the gentry, occupiers, and freeholders, of the county; but the method was to send notices about to various places, and placarding them on chapel doors, on road posts, and distributing them at markets and fairs, announcing that such a meeting would be held, and the people of the county were ordered to attend. The consequence was, that a vast number did attend and created great alarm, and much terror was excited in the minds of the respectable gentry, the Protestant clergy, and decent families of the county. It was notorious, that the petitioning Parliament for the abolition of tithes was not the only reason for gathering the people together in such vast numbers; but that the meetings were held for the purpose of intimidation in regard to the letting of land, and for other purposes peculiar to the views of the people in that part of the country. About seven or eight years ago, large meetings of people took place in the south of Ireland, especially in Tipperary. At that time, he was himself in that part of the country, and he remembered that the magistrates received directions from the Government to disperse those illegal meetings; and, on two occasions, those meetings were dispersed. There had also been very great meetings in the county of Waterford, and where a very serious affray had occurred attended with loss of life. If the Government allowed these meetings to be held for the purposes of intimidation, now that the tithes were collected by means of Exchequer processes, their Lordships might depend upon it that the same description of affrays would repeatedly take place as had occurred at Waterford. He, therefore, begged leave to ask, whether her Majesty's Government had received any intelligence as to the intention of these great assemblies being about to take place on the subject of tithes in Ireland, and whether any means would be taken to preserve the peace?

The Earl of *Mulgrave* observed, that the subject to which the noble Earl had called their Lordships' attention was one of great importance. All great meetings of the people required vigilance on the part of the Executive Government; but he thought, that when the noble Earl alluded to these meetings, he rather assumed more than the fact would bear out. The noble Earl stated, that the people nominally met for the purpose of petitioning Parliament for the abolition of tithes. He knew nothing about what they might meet nominally for, and he very much doubted, whether the noble Earl had any authority for saying, that they had any ulterior object, such as influencing the letting of lands. He, at least, doubted it. It might be so; but he did not think they had any such object. The noble Earl had asked what course her Majesty's Government intended to take. Her Majesty's Government certainly meant to watch those meetings, but he knew of no authority which the Government had to interfere with the meetings of the people, provided those meetings were for a legal purpose. They all knew, that public meetings sometimes took place in England which were not very regularly convened. There had been great meetings of that kind, and very active ones, on the subject of the new poor-laws. Some inconvenience, perhaps, occasionally arose from such meetings; but as long as the people lived under the British Constitution, he was not aware of any power to prevent such meetings, however convened, provided they were for legal purposes. The noble Earl stated, that serious affrays had taken place in Waterford. Now, he believed, that the meeting at Kilmacthomas took place subsequently to the affray which happened in the county of Waterford. However, he had no such apprehension as the noble Earl entertained with regard to the consequences of these meetings. He certainly regretted that there should be occasion for any public meetings upon the question of tithes; and he believed, that they had not been so frequent since he had been in office as they were formerly, and that all which had been assembled had passed off quite peacefully. He had the fullest confidence that those meetings which were about to take place of the same description, however numerously attended, would pass over without any tumult. This he could assure the noble Earl, on the part of her Majesty's Government, that if it should be found that those meetings were held, not for the purpose of petitioning Parliament upon the subject on which they professed to meet, but for the purposes of intimidation, every proper measure of precaution would be adopted.

The Earl of *Wicklow* had always understood that large meetings held in the open air, causing alarm and intimidation to respectable persons, and convened by those of whom nobody knew anything, were of an illegal character. He would take this opportunity of alluding to certain papers which had been moved for by his noble Friend, the lord-lieutenant for the county of Westmeath a short time ago. The most important document for which his noble Friend moved had not been produced. The papers moved for were copies of the correspondence which took place between his noble Friend (the Marquess of Westmeath) and the Government, and also between him and the Lord Chancellor, upon the subject of the dismissal of Sir Richard Nagle from the deputy lieutenancy and magistracy of the county of Westmeath. In one of the papers which had been granted, it appeared that the Government of that day held rather a different opinion with regard to the legality of these meetings from what was entertained by the noble Earl opposite. Lord Anglesey was, at that time, at the head of the Irish Government. It appeared that Sir Richard Nagle had presided at one of these meetings, and having been called upon by the Government to give an explanation of his conduct he did so, but that explanation was deemed unsatisfactory, and the Under-Secretary for Ireland wrote to his noble Friend on the subject, to the effect that his Excellency had directed him to transmit to his Lordship a copy of Sir R. Nagle's letter, in which his Excellency could not discover a justification of the line of conduct which he had pursued, and which appeared to his Excellency to be so directly at variance with the first duty of a deputy-lieutenant and a magistrate, that his Excellency felt it to be his painful duty to request that the name of Sir R. Nagle might be removed from the list of the deputy-lieutenants of the county of Westmeath. At that time, the present Lord Chancellor of Ireland was Lord Chancellor. What he wished to know was, why the Lord Chancellor who dismissed Sir Richard Nagle in 1832 was for reinstating him at present? There could be no reason except, perhaps, the accidental circumstance that he was the Member for a county. His noble Friend had pressed him to move for the production of the document which stated the causes of the former dismissal of Sir Richard Nagle.

Viscount *Melbourne* observed, that there was one description of public meetings not illegal—meetings called in a constitutional manner, and for a constitutional purpose. But there was another description of meetings, such as the meetings in 1832, where the people were prompted to make an active opposition to the collection of tithes. It was for presiding at such meetings that Sir Richard Nagle and other deputy lieutenants were removed from their offices. They were removed, because they had presided at meetings the object of which was to create an active opposition to the collection of tithes. Whether, however, their exclusion ought to be permanent was a question on which much difference might exist. Government did not think that it ought to be so; and after a due time, it had been thought proper to restore them to the situations which they had formerly held, and to the character which they had formerly maintained in the country.

The Earl of *Glengall* repeated, that about seven or eight years ago such meetings as those to which he had alluded were dispersed, because they had been convened irregularly, and because there existed no requisition stating the objects of the meetings. With respect to the second meeting, which had taken place in Waterford, he knew that it was not assembled until two days after the tithe affray; but he thought nothing could be so dangerous as that a large meeting, where the people were informed how they were to obstruct the law, should be held within a few miles of so melancholy an occurrence. Indeed, on the very day after that meeting, another affray took place, and the sub-sheriff was obliged to give up the distrained cattle, lest loss of life should take place.

The Earl of *Mulgrave* said, that Sir R. Nagle had been dismissed for countenancing resistance to the payment of tithe, but he had since then paid his tithe.

Lord *Fitzgerald* and *Vesey* felt it to be impossible to allow the language of the noble Earl at the head of the Irish Government to pass unnoticed. If the opinion expressed by that noble Earl had been uttered by a legal authority, it would have been unbecoming in him to doubt its validity; but he must say, that it was with surprise and regret, that he had heard the noble Earl state, that such meetings as had been alluded to that night were legal. He had always understood that any meeting, however convened, or whatever might be its professed object, was illegal, if it was composed of such a vast number of persons as to inspire intimidation. He was sorry to hear the noble Earl state, that so long as he lived under the British constitution he deemed such meetings legal. In the county of Waterford a meeting had taken place to pass certain resolutions against tithes, and upwards of 50,000 persons had attended it. The resolutions that were passed were for the total abolition of tithes, and the language held at the meeting, as well as that in which the resolutions were framed, though not recommending a direct and open violation of the laws, was strongly calculated to produce it and endanger the public peace. He would ask the noble Earl whether he did not deem a meeting so numerous as this, where a number of persons almost as large as the population of the whole county were assembled together, to be attended with considerable danger, even if the deliberate resolution of the meeting had been, to exercise only the rights to which those persons were entitled under the British constitution? But, on the contrary, it was an abuse of the privileges of the constitution to meet in such numbers and for such purposes. He would, therefore, again ask the noble Lord whether he did not feel, that the peace and security of any county, where even strong political excitement did not exist, and, therefore, more especially of Ireland, would be endangered by such numerous meetings as those which had been held in the counties of Waterford and Wexford within the space of the last five weeks? In Wexford he had heard that a similar meeting had taken place, at which they boasted of having so large a number of people assembled. He did not call on noble Lords opposite, nor did he think it right to call on the noble Earl, to pronounce on these meetings before they were held, as to their legality, but his noble Friend (Lord Glengall) must feel what encouragement they would receive when the noble Earl, the Lord-Lieutenant of Ireland, who, although he was here at present, was still responsible for the peace of that country, stated, such meetings to be legal, and how deeply responsible the noble Earl himself would be for the consequences of such an opinion. Such language as that which had been used by the noble Earl would go forth to the world, not guarded, as he had intended it should be, but in its worst form, amongst those who were prepared to misrepresent and misuse it, and would be considered as language of encouragement. That such sentiments should be expressed by the Lord-lieutenant of Ireland, and conveyed to such a country as that which the noble Earl himself had described Ireland to be, would, he thought, produce a bad influence, and not tend to preserve the peace and tranquillity of the country.

The Earl of *Mulgrave* thought it impossible for any one to have complained of what he said; for he was quite sure, that no person could have guarded himself more carefully in the observations which he had made, in reply to the question which had been put to him by the noble Lord opposite. In reply to that question, as to the legality of those meetings, he had stated, that where they were for legal purposes, he did not think they were illegal on account of the number of persons who attended them. Those numbers might be produced by the general feeling on the subject, and whilst meetings were confined to the legal purposes which were their groundwork, and intimidation was not resorted to in any shape, he must say, that he considered them legal. The concluding words were, that all meetings of this kind required the attention of the executive Government, and that special care should be taken for the Government to interfere if the object of the meetings assumed any shape of intimidation.

Lord *Fitzgerald* and *Vesey* said, that although the noble Earl who had just spoken had considered the numbers of a meeting not to constitute illegality, yet he would state, and he believed it to be correct, that the law of this country was, that that when such a number of persons were assembled together as would produce intimidation, such a meeting was illegal. Now, he would ask, whether a meeting of 50,000 persons would not be likely to produce that effect?

Lord *Holland* said, that the numbers of a meeting might be brought as one proof of its illegality, but there must be also some other grounds; for it was a right of the people of this country to meet together, and discuss any subject, the object of which was legal in itself; and if that argument were allowed, it mattered not as to the legality of the meeting, whether only 10, 100, or 1,000 persons were present. The noble Lord (Fitzgerald) had, in the course of his remarks, made use of very grave, solemn, and sad words, but had not pointed out any remedy to meet the evils of which he complained. Did the noble Lord imagine that any violent interference could be made with respect to such meetings, merely on account of the numbers who attended them? Before that could be done, it must be stated, that those numbers had been brought together for the purposes of intimidation, and be proved that such intimidation was really meant. If the law which the noble Lord had laid down—though in a manner far from being as distinct as it was emphatic—were correct, it came to this, that under the British constitution meetings of the people were not legal; but that they must be authorised beforehand by some power of the State. Now, he held, that meetings of the people were as completely constitutional as their Lordships' seats in that House; and he must say, that when they were represented to be illegal, there ought to be stated more definitely what circumstances constituted their illegality. In his judgment, they could not be illegal on account of numbers, but only in consequence of the designs, or actions, or words of the persons who attended them.

The Duke of *Wellington* said, that as various opinions had been given on the legality of these meetings, he would venture to state what he had heard fall from several great law authorities on the subject. He deemed that the numbers of a meeting, that is to say, such an assembly of persons as would create terror in the minds of people living in the neighbourhood, would justify the magistrates in taking measures to disperse it. He would, therefore, put it to the noble Baron, whether such a meeting was not illegal? If it was in such numbers as to excite terror in the neighbourhood, he wanted to know whether the magistrates would not have been justified in ordering it to be dispersed, and if so, whether it was not illegal? He now came to the question which had been put by the noble Lord near him (Lord Glengall) to the noble Lord opposite (Lord Mulgrave). The noble Lord had asked whether measures had been adopted to put an end to those meetings in Ireland, which, it appeared, had very recently created terror. Now, the answer which the noble Earl had made to this question was, that such meetings were not illegal, but that they might become so, and, therefore, Government was attending to them, with a view to put an end to them, and to prevent them from doing any illegal act. The noble Earl, who said that such meetings were not illegal, incurred a very serious responsibility for their consequences, and he believed such an opinion was not very consistent with the character and practice of them. That such sentiments as these should come from so great an authority as the noble Earl, he regretted very much, for he considered them as dangerous, and he must say, that he conceived the noble Earl and the noble Baron who had spoken last, had not taken a just view of this case, when they stated that meetings in such numbers were not illegal, and that the magistrates were not justified in taking measures to disperse them.

Lord *Brougham* was extremely loth to be dragged into the discussion of an abstract question as to what was or was not legal, and greatly lamented the question which had been put by the noble Earl opposite, as it made it almost inevitable to enter into the matter. The question which had been put to his noble Friend led in fact to this—whether, from a great number of persons attending a meeting, such meeting was legal or illegal. He, therefore, would state, although he entertained great reluctance to go into the subject, that he did not admit it to be understood as the law of this country, that the bare accident, as it might be, of there being a numerous meeting, would alone constitute it an illegal one; but, wishing to avoid this particular question, on which there was no decision of any court of law, although there were many *dicta* of judges both ways, but more of the one than the other, he would admit, that such an immense meeting as one of 200,000 persons on Salisbury plain would be illegal, though he thought it only illegal, because it might be presumed, that so large a number must have assembled together with some illegal intention. He thought, therefore, with the noble Lord, the Chancellor of the Duchy of Lancaster, that there ought to be other circumstances to prove a meeting an illegal one, besides the bare accident of numbers. About one thing, however, they must be all agreed—that if these meetings were strictly legal, they were deeply to be deplored. About that there could be no doubt, because, if the object of such great meetings were the deliberation and discussion of particular matters, to assemble so great a number as 50,000, when only 2,000 or 3,000 could hear, must be very much deprecated. If a number of 4,000 or 5,000 persons were met together without any intention of the proper line being passed, he did not think such a meeting illegal; but, at the same time, he most candidly admitted, that such line was easily passed when there was an overwhelming force, and that the meeting might then become illegal; wherefore, he was always extremely averse from saying anything to encourage such numbers as 100,000 persons to meet together at one point, where it was impossible that more than a small fraction could attend to the due deliberation of matters which might in themselves be lawful, rightful, and just, and very necessary to be discussed. This opinion he had stated on a former occasion, that numbers did not form illegality, unless when some illegal intention was proved, for none was more ready than himself absolutely to give the greatest freedom to the people that was consistent with the peace and security of the country.

The Earl of *Wicklow* must observe with regard to such meetings—that if it were stated before a magistrate by any person on oath, that any particular meeting was likely to be dangerous, it was the duty of the magistrate to take measures in order to prevent it.

Lord *Brougham* said, that if such a law were held out, it would be attended with most dangerous consequences, because any man might go and swear before a magistrate, that he believed any particular meeting would be attended with danger, and might justify the magistrate in reading the Riot Act. The question of legality must depend on all the circumstances; numbers was one, and a very material one, but that alone was not sufficient to constitute a meeting illegal.

The Earl of *Glengall* said, that his reason for asking the questions of the noble Earl was this:—About seven or eight years ago a large meeting was held on the subject of tithes in the barony of Clanwilliam, but dispersed by order of the magistrates; and five days afterwards the rev. Mr. Whittey, the clergyman of the parish, was murdered. In consequence of this transaction, the Government of Ireland sent orders to the stipendiary magistrates, and directed a large body of troops to assist and protect them, because Dr. Fitzgerald, one of the magistrates, had considered it necessary to go from Tipperary to Limerick in order to disperse the meeting. Now, the returns to the Court of Exchequer, of the writs that had been issued, would become due within a few days, and at this moment, in consequence of these distraints by the sub-sheriffs these large meetings had been held in order to prevent the sub-sheriffs and the police from doing their duty. He, therefore, had put the question to the noble Lord, in order that measures might be taken to prevent any serious consequences.

The Earl of *Mulgrave* must again say, that he did not consider these meetings illegal on account of their numbers; but that the Government of Ireland must be the judge of the circumstances, and would watch them, so as to interfere when necessary.

Subject dropped.

OATHS VALIDITY BILL.] Lord *Denman*, on moving that the report of the Oath's Validity Bill be received, expressed the gratification which he felt at seeing the numerous attendance of their Lordships, which proved, that the object of this bill, though it had hitherto attracted little attention, was at length deemed to be important, as it really was. This appeared to him to be a subject of considerable delicacy, and one which he was anxious to abstain from stirring at all, if he had not felt the absolute necessity of doing something in the matter. The bill consisted of two parts; and, with regard to the first, though he felt, that it was founded on a principle which was correct, yet he should not think any impression of his a sufficient reason for making the law conformable to it if it were not that great public inconvenience resulted from the existing state of things. And with their Lordships' permission he should state what that inconvenience was, and how brought to light. A very distinguished member of the Presbyterian Church in Ireland—no less a person than Dr. Cooke, president of the Synod of Ulster—was robbed, and called as a witness into court. According to the opinion of Chief Baron Joy, whose decease they had lately to lament, a Presbyterian could only be sworn according to the usual mode of administering an oath, and that, otherwise, his evidence was not receivable in a court of justice. In courtesy, however, to Dr. Cooke, the Chief Baron received his evidence, he being sworn, not in the usual form, but with uplifted hands, according to the practice of the Presbyterians. The Chief Baron reserved the case for the opinion of the twelve judges, and when they came to turn in their minds the doubts of the Chief Baron they decided, that they were well-founded, and declared, that when a Presbyterian came to swear in the only manner in which he could with the approval of his own conscience, he was not admissible to depose to any fact in a court of justice. Their Lordships, no doubt, might feel some surprise at this decision. He would not presume to give an opinion as to whether it were correct or not; but this he knew—and he referred to the knowledge of every English lawyer to support him in the assertion—that not only did the swearing of a Presbyterian with uplifted hands in many cases take place in this country, and in that House; but, that it had always been stated in their text-books to be the acknowledged and known law of the land. But an explanation could be given of this decision of the judges in Ireland in almost a word. An Act of Parliament was passed in 1783 for the protection of Presbyterian witnesses in Ireland, by which they were permitted to be sworn according to their own form, provided they brought with them a certificate that they belonged to that denomination for twelve months. It was singular that that act, which was passed for the benefit of the Presbyterians, who had been previously excluded from giving evidence altogether, was converted on the occasion to which he alluded into an instrument for excluding their testimony; for the ground of the decision was, that as the Legislature found it necessary to interfere, it followed, that the common law of Ireland was against the admission of Presbyterians without that particular statute. Now, as the common law was the same in England and Ireland, this must appear an alarming decision to the lawyers of both countries, and perhaps it would have been the safer course to determine, that the protection afforded by this statute was superfluous in a case where none was required, inasmuch as it was an interference with the known, established, and frequently declared opinions of all the courts in this country. Nothing was wanted but to declare and restore the common law of England, which was this: that a person who offered to speak the truth according to the form binding on his conscience should be received as a witness in a court of justice. He took the liberty of referring their Lordships, the last time this subject was under discussion, to one of the most important and enlightened judgments that had ever proceeded from the distinguished men who presided over the courts of justice in this country. The case was tried by Lord Hardwicke, and the question was, whether an individual swearing according to the Hindoo form was a competent witness. That learned judge felt the case to be a novel one, and he obtained the assistance of the heads of the other three courts in determining on the admissibility of a person as witness who swore in a form utterly abhorrent to our English notions and forms of Christianity. The arguments of Lord Mansfield, who was then Solicitor-General, and of Sir D. Ryder, were such as none of their Lordships could read without great admiration and profit, if it so happened that they had not looked into them already; and the consequence of the trial was the full and complete settlement of the principle, that the conscience of the individual was the only law to be resorted to in swearing him. He took the liberty of introducing the present bill to get rid of the decision of the Irish judges, which was the apology which he had for introducing the subject at all to their Lordships, and suggesting any alteration where he felt that all alterations which questioned in the least degree the principle of the English law ought to be avoided. Now, if the principle of allowing a witness to be sworn according to that form which was binding on his conscience were good, it followed, that the second clause was equally fit and necessary to be introduced as part of the enactments of the country; for if it was not fit to impose on a witness an oath in a different form from that in which he conscientiously believed, it followed as a corollary that, if a witness believed it right, that no oath at all should be taken, his affirmation ought to be received. The imposition of an oath on a person who thought it improper to take an oath was, he ventured to consider, unjust, and as great a profanation as was the imposition of the oath of a Christian on one who did not hold the Christian faith in the case tried by Lord Hardwicke. But in the present instance he should not certainly have introduced any legislative enactment if he were not practically as well as abstractedly borne out by the inconvenience and injustice of the present law. He held in his hand a petition from certain inhabitants of London, who though not Quakers, Moravians, or Separatists, thought oaths opposed to their duties as christians, and who were liable to suffer and in some cases had suffered, severe hardships on account of their conscientious scruples. When the Act for exempting Quakers from the necessity of taking an oath was passed, it was ridiculed by Swift as one of those fancies of extravagant liberals which could not last long, and which must soon die a natural death, and never be renewed. But so far from this prediction proving true, the first concession to the Quakers was quickly extended so far as to allow them to become jurymen in criminal cases; and he believed that of all the laws which had ever passed, not one could be named which had produced more satisfactory results, or which was so perfectly free from any objection arising out of the principle of the law of England. That principle was, let the truth come forth, let it come forth in the mode which was most satisfactory and convincing, because the most binding on the conscience of the party called on to state it; and he appealed to every noble Lord at all conversant with the administration of justice to say whether the affirmation of those who belonged to the Society of Friends was not at least as solemn, satisfactory, and convincing, as to the *bonâ fide* character of the witness, and as to the truth of his statement, as the most solemn oath which could be imposed on a person professing any other form of religion whatever. Not only Quakers but Moravians and Separatists had now nothing to do but come forward and say, "I am a Moravian," or, I am a Separatist," and they must be admitted on their affirmation, without any oath whatever, and without any power to inquire into the particulars of their faith, except merely the question on their appearance whether they belonged to these religionists. The gentlemen who signed this petition did not belong to either of these denominations to which he had referred; and who were these gentlemen? The first name on the list was one which to mention was to honour not only on account of the character of the gentleman who bore it, but from his near connection to one whom he should ever think of with affection and veneration. He alluded to Mr. Wedgewood (so we understood), the son in law of Sir James Mackintosh, who had been appointed to the office of magistrate, but who, though not in very affluent circumstances, declined such an offer, because he had a conscientious objection to taking an oath. The second was that of Mr. Scott, M. A., and several other persons from Plumstead. No later ago than the last Liverpool assizes a person who had retired from the Society of Friends was robbed and ill-used. A long examination took place, his learned brother being most anxious that this person should be brought within the operation of the act relating to Quakers, and he accordingly received his evidence, but reserved the case for the decision of the judges. The judges decided against the admissibility of the evidence, and most correctly, as a reference to the statutes would prove; and this supplied a second case where a person guilty of a heinous offence escaped the punishment due to it because the affirmation of a witness could not be received, though on every principle of common sense this person was entitled to exactly the same protection as that which he enjoyed before he retired from the Society of Friends. That was not a solitary case. On the western circuit he had several applications to know whether persons professing certain religious opinions were bound to attend. In the course of last year some person in the employ of the Board of Ordnance thought proper to resist being sworn with the usual formalities of administering an oath, and there were great fears that a person who had been indicted for stealing some stores would be acquitted for want of the necessary evidence on that account. He thought he had said enough to show, that it constantly occurred that persons entitled to the highest credit and respect, and in cases where there were accompanyimg circumstances to prove that they were the very best witnesses that could be produced before court and jury, were disqualified on account of their religious scruples. Should such a witness as Mr. Wedgewood come before him, he should find it very difficult to abstain from sending him to prison for contempt of court, just as the Quakers were formerly imprisoned or attached in their lands and goods before the measure for their relief was introduced. He begged to put it to their Lordships whether he had not made out an exactly similar case for alleviating a severe grievance on such persons as the present petitioners, and for no longer excluding valuable testimony on the ground of religious opinions? The right rev. prelate (the Bishop of Exeter) had proposed a registration of the different sects entitled to this indulgence; but he thought such an enactment would not answer its purpose—that of guarding against fraud.

The Earl of *Wicklow* had no objection whatever to the first part of the bill; but if he understood the second clause, it was, that in all courts of justice, and in all cases where oaths were now administered, all persons should be excused from taking an oath if they declared that they had a conscientious objection to taking it. This would, in effect, be to abolish oaths altogether, and would be greatly prejudicial to the interests of justice. The noble and learned lord had not made out a case for any such extensive alteration in the law. If there were any religious class who on religious grounds objected to taking an oath, he would not object to a bill for their relief; but he must say that he had the strongest objection to the total abolition of oaths. Neither the Members of the Church of England, or of that of Scotland, nor the Roman Catholics, had objected to the taking of oaths, that he had ever heard, nor had petitioned for their abolition. He had been a Member of a committee which sat to consider the subject of the administration of oaths, and he had concurred in the opinion that it would be wise to abolish oaths in many cases, but not to abolish them in every instance. He had seen the amendment intended to be moved by the right rev prelate (the Bishop of Exeter), and though he thought it would be an improvement on the bill as it now stood, yet he did not think it went far enough.

The Bishop of *Exeter* had listened with great gratification to the able, luminous, and candid speech of the noble and learned Lord who introduced this bill, because he thought there would not be much difficulty in granting all that was required for the necessary protection of the individuals whose case he had so ably stated. The words which he (the Bishop of Exeter) proposed would, he was convinced, answer the purpose which the noble and learned Lord professed, and no doubt most correctly professed, to have in view, more effectually than those which he had introduced into his bill. The declaration proposed by the noble and learned Lord was, "I, A. B., do solemnly and sincerely declare that I have conscientious objections to taking an oath." Now his objection to this form was, not that relief was afforded to persons in the situation contemplated by the bill, but because the declaration in fact avoided the mention of religion at all. The ground on which he founded his declaration was that of religion alone, and the declaration which he proposed to introduce was founded entirely on that principle. The word "conscientious" was used in the form proposed by the noble and learned Lord, but according to the strict meaning of that word the real ground of objection would not be met. He would go further, and he would say that he believed that there were many persons who, if the proposed form were adopted would object to taking any oath at all, and he was not sure whether he was not himself one of those who upon conscientious principles would object to take an oath. He should feel those objections even now, unless the oath were required by law, because he understood that the real ground upon which the oath was required was, that the law of the land made it necessary, and therefore it was a part of the articles of the Church to which he was bound to subscribe, that it should be taken. But if this bill should pass into a law, he would declare to the House that, entertaining the feelings which he did, he should have no hesitation in saying, that he felt a conscientious objection to receiving any oath, and under its provisions he should decline again to place himself under such an obligation. Now the words which he intended to propose to the House as proper to be introduced in lieu of those chosen by the noble and learned Lord, would, he thought, only give effect to the contemplated provision of the statute. His proposition was, that the words now in the bill should be omitted and that this form of declaration should be introduced in their stead—"I, A. B., do solemnly and sincerely declare, that I believe in my conscience that the taking of any oath is contrary to the law of God," and this, he contended, at the same time that it relieved all those classes alluded to by the noble and learned Lord, would not, in the least degree, endanger the safety of the Church of England. He was ready and willing to give relief to those persons whose case had been so eloquently stated by the noble and learned Lord, and it was with this view that he proposed his amendment; but he must say, that he thought that where a proper mode of proceeding might be adopted it would be better at once to take that course, without allowing any loop-hole by which any parties might escape. He thought, that the mere affirmation was in many cases useless, and he might safely avow, that when he made an assertion he was more cautious more careful, and more frank even than when he was stating a thing under the sanction of an affirmation. The effect, however, of the declaration proposed to be adopted was even more extensive than was contemplated; and, independently of the evils which might be produced by its being taken in cases before courts of justice, a mischief would be produced by all those oaths and qualifications being removed with which Parliament had thought it necessary and fit to protect the Protestant religion: that this was true would be abundantly shown by the case of a Catholic. He would in the event of this Bill becoming the law, be able to decline, and as he believed, he must conscientiously decline, to receive, an oath. It was with the view, then, of affording assistance in these cases, that he now addressed their Lordships, and that he now proposed the amendment to which he had already alluded.

The Duke of *Wellington* had no objection to the first clause in this bill; but he must confess that there were enactments in the clause which was now under consideration which he thought should not be permitted to pass into a law. He had not the smallest objection to give relief to those persons who had been mentioned by the noble and learned Lord opposite, and more especially those who had been members of the Society of Friends, and who, although not actually belonging to that society, yet had religious and conscientious scruples against taking oaths. As to the other classes of persons, there might be some difficulty in affording them relief; but he thought that as to those to whom he had alluded no difficulty could arise. The point of the greatest importance, however, and that which suggested the most serious doubts to his mind, was the saying, that the administration of justice in this country generally should be carried on without the sanction of the administration of an oath; and the first clause in the bill afforded the strongest ground for insisting on continuing to have the strongest possible affirmation that could be made by persons called upon to give evidence in such cases. The amendment of the right rev. Prelate would, he thought, in some degree diminish the evils, and would afford some sort of test that the person presenting himself had really conscientious objections to the taking of an oath; but, at the same time, the proposition of the noble and learned Lord was, he thought, extremely open to objection on the ground of the variety of frauds which might be practised under it. On this ground, therefore, in the present stage of the proceedings, he should vote for the amendment which had been introduced by the right rev. prelate; but he could do so only with a view to the amendment of the bill in this respect, for he was not sure that he should not hereafter be of opinion that it would be better to strike out the whole of the latter part of the bill. He declared his desire to support the first part of the bill and the amendment of the right rev. Prelate, if he should persist in pressing it on the House; but, at the same time, to vote against the clause, or even the bill altogether, if the objectionable provision were persisted in.

The Duke of *Richmond*, having been chairman of a committee which got rid of 500,000 useless oaths in the course of a year, trusted that the House would allow him to say a few words. He was still of opinion that there were a great many oaths now taken which might be dispensed with. He was convinced, then, that there might very properly be a great reduction in the number of oaths, but, at the same time, it was exceedingly important that those which were retained should be kept still more sacred. With these opinions, however, he felt that he could not support this bill, for he thought it was a measure which was far too sweeping and too general in its provisions, and he could not but point out to the House that if it should pass, the disabilities of the Jews would be in fact removed, although the Legislature had already frequently refused to grant them this boon, and that persons of that religious persuasion might with safety and ease obtain seats in Parliament, from which they could not be ejected. He was quite sure that the noble and learned Lord had no idea of procuring this end by means of a side wind, but at the same time he must say, that he believed that such would be the effect of this provision of the bill. Another question then arose, of even greater importance, regarding, as it did, the general interests and welfare of the people of this country. Would justice be equally well administered under the new system? He was most anxious, he repeated, to get rid of oaths wherever practicable, but he did not think it would be found impracticable to devise some measure by means of which this object might be effected, and by means of which persons of the classes already alluded to, might be relieved, without enactments being agreed to, so sweeping and extensive in their nature as those proposed by the noble and learned Lord, on the whole he must vote against the bill if it were pressed.

The Bishop of *London* was prepared to support the general principle of the bill of the noble and learned Lord; but looking at the great want of education which existed, and particularly religious education, he must say, that he thought it would not be safe to go to the full extent of the bill. He was prepared to say, that if there were many persons to be found, as these were, who were so unenlightened as to feel scrupulous about taking a false oath, but who, on the contrary, would entertain no scruples about making a false asseveration, he should be unwilling to allow this bill to pass. The object which was had in view, when oaths were administered, was the arriving at truth (he spoke now in reference to courts of justice more particularly), and it was a serious question whether the House was yet prepared to give up that security, which at present existed. Against those who were conscientious, they wanted no security, but at present he did not see how to agree to a measure which might operate to open a door to persons of another description. In fact, the door had already been opened, somewhat wider than was quite fitting, by admitting the affirmation of the sect called Separatists; for it was found, that persons came into court, who say they are Separatists without either knowing or caring what Separatists are, for the purpose of eluding the oath. He would make a suggestion to the noble and learned Lord, that he should divide his bill into two parts; that the first portion, embodying the first clause, should be passed at once, as upon that there seemed to be no difference of opinion; and that the remainder of the bill should be reserved for consideration, in order that some fresh measures, to meet the wishes which had been generally expressed, might be framed, but from which no dangerous results might be apprehended.

Lord *Lyndhurst* agreed with the suggestion of the right rev. Prelate, that the second clause should be expunged, with a view to see whether some other measure might not be drawn up to meet the case intended to be provided for by its proposed provisions.

Lord *Denman* said, it was no wish of his, that their Lordships should pass any bill, least of all, such a bill as this, without giving it the fullest consideration, and as their Lordships were not then prepared to pass the whole bill, he should wish to pass that part of it to which no opposition was made, and he would endeavour, he would not say he would undertake, to introduce a second bill on the subject. He might mention a circumstance which he had omitted to mention before, that the administration of justice had been seriously impeded in Manchester and other places by the difficulty of bringing parties coming forward to tender evidence within the description of the existing law. When the judges had decided against the admissibility of the seceding Quaker's evidence in the Liverpool case, it was acknowledged that something must be done to provide against the recurrence of similar circumstances, and having shown his bill to the noble and learned Lord (Lord Lyndhurst), he had understood that the noble and learned Lord agreed in it, and therefore he was surprised to see so much opposition to it on this occasion. The principle of the measure, he still maintained, was sound, just, and necessary; and though there might, perhaps, be great difficulty in freeing it from possible abuses, it ought to be remembered that no measure was wholly free from possible abuse. He was most sincerely of opinion, that nothing in the conduct of the affairs of a state was so indispensably necessary, as the administration of justice with truth, and he thought, that if parties were allowed to come forward, as the society of friends did at present, and say, we have a conscientious scruple respecting the form of an oath, which we cannot take, but we will make affirmation of the truth, this course would be much more conducive to the attainment of truth than swearing in any form of words which could be devised. He could not at all agree in the inference of the right rev. Prelate, that an oath was the best means of arriving at the truth. However, in the present state of their Lordships feelings on the subject, he had no alternative but to move the omission of that part of the bill which followed the first clause.

Motion agreed to; and the report was then received.

HOUSE OF COMMONS,

Friday, June 15, 1838.

MINUTES.] Bills. Read a first time:—Party Processions (Ireland); Arms (Ireland); Vacations' Sittings; Parochial Assessments.—Read a third time:—Grand Jury Cess (Dublin).

Petitions presented. By Mr. PEASE, from eighteen Steamboat Companies in Dublin and Liverpool, in favour of the Pilotage Bill.—By Sir C. BLUNT, from Lewes and its neighbourhood, in favour of Mr. Rowland Hill's plan for a Universal Penny Postage.—By the LORD-ADVOCATE, two, from Leith; to the same effect.—By Captain CHETWYND, from Stafford, in favour of the Immediate Emancipation of the Apprentices.—By Mr. BRUGES, from Bath, against the sanction given to Idolatrous Worship in India.—By Sir R. H. INGLIS, from the Gresham Lecturers, that the chief object of the foundation, the Promotion of Science, ought not to be overlooked; from the Archdeacon and Clergy of Stafford, against the Ecclesiastical Commission.—By Viscount DUNGANNON, from 100 Clergymen of Durham, against the Pluralities Abolition Bill.—By Mr. G. PALMER, from the Clergy of the Archdeaconry of London, to the same effect.

MUNICIPAL CORPORATIONS (IRELAND).] The House in Committee on the Municipal Corporations (Ireland) Bill.

On Clause 13,

Mr. *Shaw* objected to it, because it would give the power to any candidate who found any number of persons in arrear with their taxes to pay the gross amount into the bank of Ireland. This would be a direct encouragement to bribery which he could neverconsent to.

Mr. Sergeant *Woulfe* defendedthe clause, and said, that it was necessary thatsome accredited office should be established for the payment of rates and taxes, as it was well known, that great difficulty existed in ascertaining when and where they were to be paid, and the amount of them.

Mr. *O'Connell* had been highly edified at the horror which the hon. Recorder had expressed for bribery. But he would ask the hon. Gentleman whether he was aware, that every freeman received three pounds for his vote? If he was not aware of it he could tell the hon. and learned Gentleman the house where it was paid. There was a great necessity for some provision of this kind, as every obstacle was thrown in the way of the liberal voters paying their rates; the collectors would not receive the money even, as the registration session approached. In the great parish of St. George, also, part of which was in the county, there was a county rate, for which there were three or four collectors, who, however, had no office in Dublin, and the consequence was, that the rate-payers had to send into the country after them to pay their rates. What he proposed, was, that accounts should be opened at the bank of Ireland for all these rates or cesses, and that the man who paid a year's rate should be eligible to vote. At the late petition against his return one elector was struck off the poll for not paying the rates; he was registered in 1832, and his house was not liable to be rated, but in consequence of this decision of the Committee he would have to pay the arrears for six years before he could be again registered. There were many instances in Dublin where the landlords paid the rates and taxes, and the tenants of course paid a corresponding rent, and they never could learn what was the amount of taxes paid for their houses. He thought, that every man should be allowed to go to a place and hear what was the amount of cess, and, if he chose, to pay it himself and have his name registered. At present many hundreds in Dublin were prevented from obtaining the franchise in consequence of the landlords paying the local taxes. According to the survey of the city, there were not less than 14,000 houses returned as capable of giving the franchise, and not more than 4,000 persons were registered. The reason of this was, that the franchise was encumbered with the payment of these most vexatious taxes. All that he now required was, that those who were qualified and who wished to enjoy the municipal franchise should be enabled to do so by having facilities afforded them for the payment of their taxes.

Sir *Robert Peel* observed, that the bill was intended to apply to all the corporations in Ireland, and, therefore, if the present clause was a good one it should be made general, and not special, to afford facilities only for the payment of the cesses, rates and taxes in the city of Dublin. If the payment of rates or municipal taxes was necessary for voting, the amount of the cess or tax should be clearly ascertained; for no man ought to be disfranchised for the non-payment of a rate the amount of which he could not know. But that principle ought to be applied to every borough as well as to Dublin. The man who could not vote without paying taxes should not be cheated of his franchise by his not being able to learn where he was to pay his rates. Every man should be able to ascertain readily what he had to pay, and where he had to pay, his rates, and the collectors ought to be compelled to give due notice on both these points. The principle, however, should be general in its application, and he had urged its adoption when the English Reform Bill was before the House. The clause, however, went a great way further, and it introduced the means of bribery to a great extent. It was deemed desirable, that facilities should be afforded to a man for the payment of his own taxes; but surely it was not desired, that facilities should be afforded for the payment of the rates for others. The words of the clause were "It shall be lawful to any person to pay into the bank of Ireland to the credit of any of the said accounts such sums as he shall think fit." Now, any person might go to the bank and pay up in one sum the arrears of the taxes due, to the amount of 500*l.*, and suppose from 250 persons. Suppose any one should say, that he wished to pay for 250 persons, they would introduce bribery in a wholesale way. Here, then, was not merely the payment for himself but for any number of persons. The clause went on to state—" and such payment shall be deemed to have been made to the collector to whose credit it was paid; and the proper officer of the bank of Ireland shall receive such payment, and give to the person making such payment a receipt signed by such officer expressing the day and amount of such payment, the description of tax on account of which it was paid, the name of the person by whom paid and of the collector to whose credit it was due." He was sure, that the noble Lord would see, that this was a principle of universal application, and was one that he would not sanction, namely, that an individual might go and pay up the rates for any number of persons. He agreed, how ever, with the hon. and learned Gentleman that they ought to embody an enactment on the bill to protect electors from being disfranchised for the non-payment of rates of which they could not know the amount.

The *Attorney-General* perfectly agreed in the principle that every facility should be afforded for the payment of the arrears of cess by the elector himself, and would, therefore, suggest that an alteration to this effect should be made in the clause. It was well known, that the collectors had the power of disfranchising many electors by not calling for the cess. Surely, then, there ought to be a remedy for this, and the 13th clause they were now on, provided machinery which might, by a little attention, be made perfect. Every one by going to the bank would at once see the arrears he owed, and the bank clerk was made the agent of the collector for this purpose, and there would be no danger of his corruptly keeping out of the way. In Dublin the grievance was greater than in any other city or town, and it was there only they had the facility of the bank to carry the machinery into effect. It was admitted, that every elector should be allowed to pay the amount of his cess either by himself or agent, and he did not see how that could open the door to bribery.

Sir *Robert Peel* asked why, if the principle was good, should it be only applied to Dublin, and not extended to Cork and other places? At the same time the collector should give notice of the amount of the municipal tax and where it was to be paid.

The *Attorney-General* observed, that in the Reform Bill there were several clauses relative to rates applying only to particular places. Several of them applied to London and to no other place. In Dublin the evil which this clause was intended to remedy existed to a greater extent than elsewhere, and there were not less than five separate boards for the levying these cesses. Those facilities, therefore, could be applied to Dublin more appropriately, and, above all, as there alone they had a body like the Bank of Ireland, and where a separate account could be opened with each collector.

Mr. *O'Connell* suggested, that the clause might be withdrawn so as to be remodelled. There were very few of the towns in this bill where there were not branches of the Bank of Ireland, and the principle might be carried out fully and most easily. He thought, that it would be very easy to meet the views of the right hon. Gentleman, and that no persons should be allowed to pay but those who had a direct interest. He thought, that it would be easy to frame a clause which would not be liable to the objections stated by the right hon. Gentleman. He could adduce proof that, at the elections for Dublin, the collectors of the cesses, at the approach of an election, had orders to get out of the way, so as to prevent the electors paying their taxes in time. In conclusion, he requested the Attorney-General for Ireland to withdraw this clause and frame another which would not be liable to the objections which had been urged.

Mr. *Shaw* did not believe, that the collectors got out of the way with the view of preventing the rates being paid to them, but he admitted, that it was desirable that there should be some public officer to receive payment of the rates. He, therefore, agreed in the principle laid down by the Attorney-General and his right hon. Friend.

Clause struck out.

The remainder of the bill was passed through the Committee. Report to be received. The House resumed.

SUGAR DUTIES.] The House resolved itself into a Committee of Ways and Means.

The *Chancellor of the Exchequer* said, it was not his intention to trespass long on the patience of the Committee, in bringing forward a motion which annually fell to the lot of persons in his situation. He meant the usual motion, that certain resolutions relative to the duties on sugar, should be adopted by the Committee. It would be his duty to propose two resolutions this evening, in order to procure a supply to her Majesty, according to custom, from the amount of these duties upon sugar, the produce of the British possessions abroad. In reference to this subject, a consideration of great importance presented itself, the effect of the drawback granted upon sugar imported into this country, whether in the raw state, or in the refined state. The present drawback was, in fact, a bounty upon sugar exported from this country. That this bounty was excessive, frequent experiments demonstrated; and that an alteration in the amount of the drawback was necessary, he also thought no person would, at the present day, deny. The course he should pursue with respect to these resolutions would be, to move the resolution relative to the drawback altering the present rate, and adopting a new rate of drawback in a subsequent stage, he should propose that the resolution of the Committee be reported to the House, upon which he should prepare a bill framed upon the principle of the resolution, and propose it for a first and a second reading, fixing a day for the House going into Committee upon the bill on a day sufficiently distant to give ample time for all persons interested to make objections to the proposed measure, and to come in and make their cases good, so that nothing should be done inadvertently or unadvisedly. Without going further into the history of the present system of encouraging the export trade in sugar, by allowing a considerable drawback upon sugars exported to other countries, he would remark, that, ever since the time of his predecessor (Lord Althorp) in the office he had the honour to hold, an opinion prevailed, that the drawback was too great. Many experiments have been instituted in order to detect and discover if such were the fact. The experiments made in consequence by Dr. Ure were, he thought, fully conclusive upon this subject, and they established one result—namely, that a greater amount of drawback was received by the manufacturers exporting refined sugar, upon such refined sugar, than was paid to Government in the way of duty upon importing the raw sugar into this country. It was true that, in some instances, these experiments had given different results; but since then, his right hon. Friend, the President of the Board of Trade, had followed up the inquiry with great assiduity, and the result of his experiments was, that as Dr. Ure stated, there was an excess of drawback on refined sugar exported, over the duties paid on the raw sugar imported. It was also established, that Dr. Ure had stated the excess of the drawback over the duties on import at less than the amount actually received as drawback from Government by these parties. He should trouble the Committee but with the results of one of these experiments—namely, one ordered to be made by his right hon. Friend upon a large transaction in sugar, amounting to 9,100 hogsheads; upon which the duty paid, amounted to 10,945*l.* The drawback upon its exportation, after passing through the process of being refined, was no less than 15,911*l.*, showing that an excess of drawback had been paid to the extent of 4,966*l.* in this instance, which was nearly at the rate of 10*s.* 10*d.* per cwt. Acknowledging that all the experiments made did not exhibit the same results, he thought he still was fully justified in the abatement he should propose in the drawback. He should propose a resolution, that after a certain period, the drawback on double-refined sugar, which was now 43*s.* 2*d.* per cwt., should be reduced to 36*s.*, making a reduction of drawback to the amount of 7*s.* 2*d.* on this sort of sugar; and this he should follow up by proposing, that the drawback receivable by the exporter upon high-refined sugar, which amounted to 36*s.* 10*d.*, should be reduced to 30*s.*; making a reduction of drawback to the amount of 6*s.* 10*d.* upon this sort of sugar. He was convinced, had he attempted to make a still greater reduction, he should have been fully warranted in doing so. The scale he had taken was, as nearly as possible, one-sixth less than the scale of existing drawbacks. He had now explained his object to the Committee; but he could not sit down without adverting to a report which had reached him, that some parties in that House were prepared to introduce into this discussion, the Slave question, and attempt to connect the one with the other. He trusted, the rumour was destitute of all foundation. He begged any such hon. Member to recollect, that this was a question which claimed their serious attention, inasmuch as the proposition he was about to put into the hands of the Chairman, was one of great interest to the commerce and to the mercantile interest of the country, as it would go to reduce the drawback they had hitherto been accustomed to receive out of the Exchequer, upon the export of sugars to ports abroad. He should, for the present, content himself with entering into the general object of the resolutions with the view to grant thereupon a supply to her Most Gracious Majesty out of these duties, reserving to himself the privilege to enter more into detail, should it be rendered necessary by the course of the debates in the future stages of these resolutions, and the bill to be founded thereupon. The right hon. Gentleman concluded by moving, that towards granting a supply to her Majesty, Queen Victoria, there be granted the duties payable upon sugar imported into this country under the act of the 6th and 7th of the late King, and that the said duties be continued.

Mr. *Pease* assured the right hon. Gentleman that he perfectly concurred in opinion with him, that this was a subject which ought to be seriously discussed with reference to its importance to trade and commerce. The resolutions appeared to him to assume that the House was ready to hand over to the Crown the same duties as were now payable on sugar the produce of our British possessions, as if there was nothing objectionable in the scale of duties now required to be paid upon its import. The present duty payable upon molasses was but 9*s.* per cwt., in consequence of which a fraud was frequently practised, in a circuitous way, upon the customs, diminishing to that extent the amount of the year's revenue. It was ascertained that in every 112lbs weight of molasses, there were 36lbs of crystallizable sweet, capable of being extracted by the sugar refiners. If this were so, as he was informed it was, from excellent authority, it would fully authorise him in proposing that all molasses should pay the moderate duty of 24*s.* instead of 9*s.*; and this general rule would at once get rid of the distinctions between sugars, bastard sugar, molasses, and that sort of sweet which was technically called dirt; under some of which a fraud was so often practised upon the revenue and the fair trader. This it was primarily his intention to remedy. He perfectly acquiesced in the propriety of the sentiments delivered by the president of the board of trade in 1832, when he said, in reference to this subject, that it was the policy of the Government to place the commerce of this country on such a footing that, whilst it had the supply of the whole world open to it, care should be taken that, through inattention to fiscal regulations, nothing should be abstracted from the treasury. In proposing, that 24*s.* duty should be payable upon molasses, he meant that the article, upon being exported, should be liable to receive the full drawback, and the merchant should obtain the amount he had upon the import paid into the exchequer. The present rate of drawback was 36*s.* on single, and 43*s.* on double, refined sugars exported. Now the price of sugar fit for refining purposes was in bond 35*s.*, whilst the price of the refined sugar itself was about 18*d.* lower than the price of raw sugar for refining purposes. This, according to the admission of the Chancellor of the Exchequer, would show, that the exporter of such sugar would obtain, not 10*s.* 10*d.*, but much nearer 17*s.* per cwt. upon the average, as drawback on sugar of the first quality. His object in offering this amendment to the Committee was, to ensure that the precise amount which had been paid at first as the duty on import into the treasury should be returned to the merchant, and no more. Nothing injurious to the poor man's interests or comforts was intended or contemplated, because, notwithstanding the higher rate of duty demandable, the result of the working of the general low rate of duty would be, that the poor man would get his treacle at a lower rate, and even sugar cheaper than he could at present. The hon. Member concluded by moving, that the duty payable upon molasses imported from any of our British possessions be in future 24*s.*

Mr. *Poulett Thomson* was perfectly at a loss to conceive what the hon. Gentleman meant, or what he would have the Committee to understand was the meaning of his present amendment. He was, it appeared, disposed to raise the duty upon molasses from 9*s.*, its present amount, to 24*s.*, and this he meant as a boon to the poor man, who could only afford to buy molasses. Was the quantity imported so great, or the frauds committed on the revenue so numerous, that nothing could appease his ardour for the welfare of the revenue but the total cutting off of the supply of molasses? He affected to say he wished to give the poor man molasses cheap. Why, the real effect of the amendment would and must be, as far as the duty was concerned, to render it 300 per cent. dearer. Molasses was never a commodity largely introduced; its quantity in the market was always moderate; and fraud in respect to it was sufficiently guarded against already. The syrup was prevented from coming in surreptitiously, and when introduced, charged at the custom-houses as sugar. The hon. Member could not, and did not, understand the subject upon which he addressed the Committee, nor was he acquainted with matters of very general notoriety in respect to the sugar trade. In taking the price of good sugar at 35*s.* in bond, and that of single refined sugar for exportation at 33*s.* in bond, and the whole of the subsequent calculation, whereby he obtained the arithmetical result that 17*s.* per cwt., instead of 10*s.* 10*d.*, was the exporter's excess of drawback, the hon. Gentleman forgot to set against the surplus the expense of making the raw sugar into refined sugar. Was there no charge in the transmutation for boiling, for warehousing, for labour, and ingredients? Now he knew, that the most expert sugar-refiner could not refine under 6*s.* per cwt., while to ship it cost the exporter 1*s.* per cwt., which two items alone would reduce the hon. Member's estimate of a surplus drawback at once to 10*s.*, or less even than his right hon. Friend had taken it to be. Upon the whole it must appear to the Committee that the hon. Gentleman had made a statement in support of his proposition without any adequate or even ordinary knowledge of the facts to which he had alluded.

Mr. *Clay* considered, that the right hon. Gentleman had treated his hon. Friend rather hardly. The object which his hon. Friend had in view was two-fold. He wished, in the first place, to raise the duty on molasses to 24*s.*, because of the quantity of saccharine matter contained in it being equal to that contained in raw or muscovado sugar; and, in the next, to reduce the amount of all drawback, so that it would not exceed the amount of the duty paid. He would not enter into the subject of drawbacks at present; but it was his intention to move, that the amount should be reduced to 24*s.* the cwt. on all classes of refined sugar. He pledged himself to prove that the bounty paid on refined sugar last year, in the way of drawback, amounted to 500,000*l.*, and that this bounty increased the price of sugar in this country 1,000,000*l.* or 2,000,000*l.* per annum. The sum which he stated was paid by the people of this country as a distinct bonus to the West-India proprietors. He thought that this bounty ought to have been given up at the time when the twenty millions compensation was paid to the West-India proprietors.

Mr. *Hume* was at a loss to understand the object which the hon. Member for Durham had in view. He could perfectly understand him if he had stated his object to be, that molasses should not be admitted at a lower duty than sugar in proportion to the saccharine matter contained in the molasses. Surely no one could contend that a hundred weight of molasses contained a hundred weight of sugar? If the hon. Member wanted to equalise the duty on sugar and molasses he ought first to be prepared to prove, that both were in effect the same. He thought, however, that very few men in the House would be prepared to go the length of voting, that sugar and molasses were one and the same thing. When the amendment of the hon. Member should have been disposed of, it was his intention to move, that the duty on sugar be reduced from 24*s.* to 20*s.* per cwt., which would be an advantage to the consumers without any material injury to the revenue.

Mr. *Thornely* regretted, that the Chancellor of the Exchequer had not carried his reforms further. He did not see why the people of the West Indies should not be allowed to refine their own sugar, and send it over here in the refined state. It would enable them to supply the people of this country with that article at a much cheaper rate. He thought, moreover, that we ought not to be confined to the consumption of sugar and coffee which were the growth of our own colonies. The trade of the Brazils was most valuable to this country, and yet we were not allowed to import into this country the sugar of the Brazils.

Amendment withdrawn.

Mr. *Hume* rose to move an amendment to the resolution before the House, that the duty on sugar be reduced from 24*s.* to 20*s.* per cwt. His object in this proposal was to increase the consumption of sugar without reducing the revenue, Before the war the duty had been only 19*s.*, and when the additional duty was laid on, it was understood that it would be dispensed with as soon as possible. He believed, if the reduction was made, that as much revenue would be derived from having the duty at 20*s.* as they now derived from a duty of 24*s.* per cwt. He, therefore, moved that reduction.

The *Chancellor of the Exchequer* did not think, that the hon. Member for Kilkenny had moved the amendment with any serious expectation that it would be carried. The hon. Member had said, that, by a reduction of the duty, they would still be able to raise an equal amount of revenue, and if this were certain, it would be a great advantage to be enabled to add to the comforts of the public at large without any diminution of the revenue. But, considering the state of the sugar duties, and the present state of the revenue, which it had been his duty to explain to the House on a recent occasion, he was not in a condition to ask the House to concur with the hon. Member in any such experiment. If they were dealing with a surplus revenue, the case might be different; but, in the present state of the revenue, he did not see on what grounds the hon. Member could call for such a reduction as he proposed to make.

Mr. *Hume*, in reply, said, that the general consequence of a reduction of duty was a great increase in the consumption of the article on which the reduction was made. He thought the state of the revenue ought not to be taken into consideration, for it always happened, that the more money a Chancellor of the Exchequer had at his disposal, the less economically was the Government of the country sure to be carried on. He would take the sense of the House upon his amendment.

The *Chancellor of the Exchequer* wished to remind the Committee, that at present the expenditure of the country exceeded its income.

Mr. *A. Yates* said, that the consumption of sugar had been stationary for the last twelve or thirteen years, and had not increased even in proportion to the increase of population. A reduction so small as that proposed would have no effect in increasing the consumption.

Mr. *Goulburn* said, that reduction of taxation did not necessarily produce increased consumption, unless in cases where the reduction was large. When he was Chancellor of the Exchequer, he reduced the duty on sugar to the extent of 3*s.* the cwt., what was the result? The year previous to the reduction, the consumption of sugar in the United Kingdom was 3,700,000 cwt. of sugar. The next year but one after the reduction, the consumption was 3,600,000 cwt., and it continued the same in the following year.

Mr. *Hume* said, that, as some Members near him said, that he had not given notice, he would not take the House by surprise. He, therefore, withdrew the amendment for the present, but would now give notice that, in the committeee on the Sugar duties Bill, he would move this reduction.

Amendment withdrawn, original resolution agreed to.

Second resolution agreed to, House resumed.

Courts (Scotland).] Mr. R. Steuart moved the further consideration of the report of the Courts of Justice (Scotland) Bill.

Mr. *Goulburn* opposed the motion: it

was too late to enter into the discussion of the subject matter of the bill.

The House divided, when there appeared —Ayes 35; Noes 65: Majority 30.

List of the AYES.

Abercromby, hn. G.R.
Baines, E.
Bernal, R.
Blake, W. J.
Busfeild, W.
Cavendish, hon. G. H.
Clay, W.
Craig, W. G.
Ebrington, Ld. Visct.
Ferguson, Sir R. A.
Fleetwood, P. H.
Gordon, R.
Harland, W. C.
Hawes, B.
Heathcoat, J.
Hobhouse, T. B.
Hutt, W.
Kinnaird, hon. A. F.
Langdale, hon. C.

Lynch, A. H.
Morpeth, Lord Visct.
O'Connell, M. J.
O'Conor, Don
Parker, J.
Parrott, Jasper
Perceval, Colonel
Redington, T. N.
Rice, E. R.
Salwey, Colonel
Style, Sir C.
Thomson, rt. hn. C.P.
Thornely, T.
Wilshere, W.
Winnington, T. E.
Wood, G. W.

TELLERS.

Steuart, R.
Advocate, Lord

List of the NOES.

Acland, T. D.
Aglionby, H. A.
Aglionby, Major
Alsager, Captain
Attwood, W.
Bailey, J.
Bannerman, A.
Bateson, Sir R.
Beamish, F.B.
Blackburne, I.
Blackstone, W. S.
Bowes, J.
Broadwood, H.
Brotherton, J.
Callaghan, D.
Campbell, Sir H.
Campbell, Sir J.
Chalmers, P.
Darby, G.
Douglas, Sir C. E.
Estcourt, T.
Finch, F.
Gladstone, W. E.
Goulburn, rt. hn. H.
Grimsditch, T.
Harcourt, G. S.
Henniker, Lord
Hepburn, Sir T. B.
Hinde, J. H.
Hodgson, R.
Holmes, W.
Houstoun, G.
Hughes, W. B.
Hume, J.

Hurt, F.
Inglis, Sir R. H.
Jackson, Mr. Serg.
Jones, J.
Kemble, H.
Kirk, P.
Knox, hon. T.
Lowther, J. H.
Mackenzie, W. F.
Maclean, D.
Melgund, Lord Visct.
Morris, D.
Nicholl, J.
Pease, J.
Perceval, hon. G. J.
Philips, M.
Praed, W. T.
Round, C. G.
Rundle, J.
Rushbrooke, Colonel
Rushout, G.
Sandon, Lord Visct.
Scholefield, J.
Shaw, rt. hon. F.
Sinclair, Sir G.
Thompson, Mr. A.
Vere, Sir C. M.
Vigors, N. A.
Waddington, H. S.
Wallace, R.
Williams, W.

TELLERS.

Clerk, Sir G.
Pringle, Mr.

Further consideration of the report put off for three months.

VESTRIES IN CHURCHES.] Dr. Nicholl moved the second reading of the Vestries in Churches Bill.

Mr. Brotherton moved the adjournment of the debate till Monday.

The House divided on the adjournment: Ayes 34; Noes 59; Majority 25.

List of the AYES.

Abercromby, hn. G.R.
Aglionby, H. A.
Aglionby, Major
Baines, E.
Blake, W. J.
Bowes, J.
Busfeild, W.
Chalmers, P.
Craig, W. G.
Ferguson, Sir R. A.
Finch, F.
Gordon, R.
Harland, W. C.
Hawes, B.
Heathcoat, J.
Hobhouse, T. B.
Hutt, W.
Kinnaird, hon. A. F.
Langdale, hon. C.

Murray, rt. hon. J. A.
O'Connell, M. J.
Parrott, J.
Pease, J.
Redington, T. N.
Rice, E. R.
Rundle, J.
Salwey, Colonel
Scholefield, J.
Steuart, R.
Style, Sir C.
Thornely, T.
Vigors, N. A.
Wallace, R.
Wood, G. W.

TELLERS.

Hume, J.
Brotherton, J.

List of the NOES.

Acland, T. D.
Alsager, Captain
Attwood, W.
Bailey, J.
Bannerman, A.
Bateson, Sir R.
Beamish, F. B,
Bernal, R.
Blackburne, I.
Blackstone, W. S.
Broadwood, H.
Callaghan, D.
Campbell, Sir H.
Cavendish, hn. G. H.
Clerk, Sir G.
Darby, G.
Douglas, Sir C. E.
Ebrington, Lord Visct.
Estcourt, T.
Gladstone, W. E.
Goulburn, rt. hn. H.
Grimsditch, T.
Harcourt, G. S.
Henniker, Lord
Hepburn, Sir T. B.
Hinde, J. H.
Hodgson, R.
Holmes, W.
Houstoun, G.
Hughes, W. B.
Hurt, F.

Inglis, Sir R. H.
Jackson, Mr. Serg.
Jones, J.
Kemble, H.
Kirk, P.
Knox, hon. T.
Lowther, J. H.
Lynch, A. H.
Mackenzie, W. F.
Maclean, D.
Morpeth, Lord Visct.
Morris, D.
Perceval, hon. G. J.
Philips, M.
Praed, W. T.
Round, C. G.
Rushbrooke, Colonel
Rushout, G.
Sandon, Lord Visct.
Shaw, rt. hon. F.
Sinclair, Sir G.
Thomson, rt. hn. C.P.
Thompson, Mr. A.
Vere, Sir C. B.
Waddington, H. S.
Williams, W.
Wilshere, W.
Winnington, T. E.

TELLERS.

Pringle, A.
Nicholl, J.

Motion to read the bill then a second time withdrawn, and motion made that the second reading of the bill take place the next day.

Mr. Baines objected.

The House divided: Ayes 57; Noes 26: Majority 31.

List of the Ayes.

Abercromby, hn. G.R.
Acland, T. D.
Alsager, Captain
Attwood, W.
Bailey, J.
Bannerman, A.
Bateson, Sir R.
Beamish, F. B.
Blackburne, I.
Blackstone, W. S.
Broadwood, H.
Callaghan. D.
Campbell, Sir H.
Craig, W. G.
Darby, G.
Douglas, Sir C. E.
Ferguson, Sir R. A.
Gladstone, W. E.
Goulburn, rt. hon. H.
Grimsditch, T.
Harcourt, G. S.
Henniker, Lord
Hepburn, Sir T. B.
Hinde, J. H.
Hodgson, R.
Holmes, W.
Houstoun, G.
Hughes, W. B.
Hurt, F.
Inglis, Sir R. H.
Jackson, Mr. Serg.
Jones, J.
Kemble, H.
Kirk, P.
Knox, hon. T.
Lowther, J. H.
Lynch, A. H.
Mackenzie, W. F.
Maclean, D.
Morpeth, Lord Visct.
Morris, D.
Perceval, hon. G. J.
Praed, W. T.
Pringle, A.
Round, C. G.
Rushbrooke, Colonel
Rushout, G.
Shaw, rt. hon. F.
Sinclair, Sir G.
Steuart, R.
Thomson, rt. hn. C.P.
Vere, Sir C. B.
Waddington, H. S.
Williams, W.
Wilshere, W.
Winnington, T. E.

TELLERS.
Clerk, Sir G.
Nicholl, J.

List of the Noes.

Aglionby, H. A.
Aglionby, Major
Baines, E.
Bowes, J.
Brotherton, J.
Busfeild, W.
Chalmers, P.
Finch, F.
Gordon, R.
Harland, W. C.
Hawes, B.
Heathcoat, J.
Hobhouse, T. B.
Langdale, hon. C.
O'Connell, M. J.
Parrott, J.
Pease, J.
Redington, T. N.
Rice, E. R.
Rundle, J.
Salwey, Colonel
Scholefield, J.
Style, Sir C.
Thornely, T.
Vigors, N. A.
Wallace, R.

TELLERS
Hume, J.
Hutt, —

Bill to be read a second time the next day.

Freemen.] The Freemen's Admission Bill was read a third time.

On the question that the bill do pass,

Sir C. Style moved the adjournment of the further debate on the subject to next Wednesday, on the ground that the bill had never received a due discussion as yet.

The House divided on the amendment: Ayes 24; Noes 57: Majority 33.

List of the Ayes.

Abercromby, hn. G.R.
Aglionby, H. A.
Bannerman, A.
Beamish, F. B.
Bowes, J.
Callaghan, D.
Chalmers, P.
Craig, W. G.
Gordon, R.
Harland, W. C.
Hawes, B.
Heathcoat, J.
Melgund, Lord Visct.
O'Connell, M. J.
Pease, J.
Philips, Mark
Redington, T. N.
Rundle, J.
Salwey, Colonel
Steuart, R.
Thornely, T.
Vigors, N. A.
Wallace, R.
Wood, G. W.

TELLERS
Hutt, —
Style, Sir C.

List of the Noes.

Acland, T. D.
Aglionby, Major
Alsager, Capt.
Attwood, W.
Bailey, J.
Baines, E.
Bateson, Sir R.
Bernal, R.
Blackburne, I.
Blackstone, W. S.
Broadwood, H.
Brotherton, J.
Busfeild, W.
Campbell, Sir H.
Darby, G.
Douglas, Sir C. E.
Estcourt, T.
Finch, F.
Gladstone, W. E.
Goulburn, rt. hn. H.
Grimsditch, T.
Harcourt, G. S.
Henniker, Lord
Hepburn, Sir T. B.
Hinde, J. H.
Hodgson, R.
Holmes, W.
Houstoun, G.
Hughes, W. B.
Hurt, F.
Inglis, Sir R. H.
Jackson, Mr. Sergeant
Jones, J.
Kemble, H.
Kirk, P.
Knox, hon. T.
Lowther, J. H.
Mackenzie, W. F.
Morpeth, Lord Visct
Morris, D.
Nicholl, J.
Perceval, hon. G. J
Praed, W. T.
Pringle, A.
Rice, E. R.
Round, C. G.
Rushbrooke, Colonel
Rushout, G.
Scholefield, J.
Shaw, rt. hn. F.
Sibthorp, Colonel
Sinclair, Sir G.
Vere, Sir C. B.
Waddington, H. S.
Williams, W.
Wilshere, W,
Winnington, T. E.

TELLERS
Clerk, Sir G.
Maclean, D.

The House again divided, on the question that the bill do pass: Ayes 57; Noes 19: Majority 38.

Bill passed.

[We give the list of only the first Division on the Freemen's Bill; the lessened minority on the second Division, was occasioned by a few gentlemen having left the House.]

HOUSE OF COMMONS,

Saturday, June 16, 1838.

Minutes.] Bills. Read a second time:—Church Vestries; Vacations Sittings.

Petitions presented. By Mr. W. S. O'Brien, from the Apothecaries Company, Dublin, against parts of the Medical Charities Bill.

Bishop of Sodor and Man.] Lord John Russell moved the third reading of the Sodor and Man Bishopric Bill.

Mr. *C. Lushington* complained that this bill had been framed in contravention of the resolutions adopted by the House two years ago, and that no explanation had been given why those resolutions should be departed from. In the absence of that explanation, he should move, that the bill be read a third time that day three months.

Lord *John Russell* said, that the circumstances which had led to the introduction of this bill had been fully considered by the Ecclesiastical Commissioners, who deemed it advisable to support the bill which had been brought into the other House by the Earl of Ripon. He regretted that the state of public business in this House had not afforded an opportunity for having the merits of the bill more fully explained and discussed; but from communications which he had received, he was enabled to state, that the passing of the bill would be satisfactory to the residents in the old see of Carlisle, as well as to the inhabitants of the Isle of Man. He therefore asked the House to agree to the motion.

The House divided on the original motion:—Ayes 69; Noes 5: Majority 74.

List of the Ayes.

Acland, T. D.
Ainsworth, P.
Archbold, R.
Baines, E.
Baring, hon. W.
Bewes, T.
Blake, W. J.
Bridgeman, H.
Brotherton, J.
Buller, E.
Buller, Sir J. Y.
Chapman, A.
Darby, G.
Davies, Col.
Egerton, W. T.
Ellice, Capt.
Estcourt, T.
Evans, W.
Fergusson, R. C.
Finch, F.
Gibson, T.
Graham, Sir J.
Grimsditch, T.
Hale, R. B.
Hayter, W. G.
Hobhouse, Sir J.
Holmes, W.
Hughes, W. B.
Hurst, R. H.
Hurt, F.
Jackson, Sergeant
Jermyn, Earl
Jones, J.
Kemble, H.
Knatchbull, Sir E.
Leveson, Lord
Mackenzie, T.
Mahon, Viscount
Manners, Lord C. S.
Martin, T. B.
Miles, W.
Miles, P. W. S.
O'Conor, Don
O'Ferrall, R. M.
Packe, C. W.
Parker, J.
Praed, W. T.
Pryme, G.
Rolleston, E.
Round, C. G.
Round, J.
Rushbrooke, Col.
Russell, Lord J.
Salwey, Col.
Seale, Col.
Sinclair, Sir G.
Smith, R. V.
Steuart, R.
Strutt, E.
Thomson, C. P.
Townley, R. G.
Vere, Sir C. B.
Waddington, H.
White, A.
White, S.
Winnington, H.
Wood, G. W.
Wrightson, W.

TELLERS.
Maule, F.
Stanley, E. J.

List of the Noes.

Aglionby, Major
Collier, J.
Easthope, J.
Reddington, T. N.
Yates, J. A.

TELLERS.
Lushington, C.
Hawes, B.

Bill read a third time and passed.

HOUSE OF LORDS,

Monday, June 18, 1838.

Minutes.] Bills. Read a second time:—Charitable Trusts.—Read a third time:—Oaths Validity.

Petitions presented. By the Duke of Newcastle, several, from Nottingham, and other places, to devote all Church Property for the benefit of the present Owners; and from Wakefield, against any further Grant to Maynooth College.—By the Bishop of Exeter, several, from places in Ireland, against the Education system.—By Earl Stanhope, from a place in Yorkshire, against the unconstitutional powers granted to the Poor-law Commissioners; from a number of Agricultural Labourers, against the New Poor-law; from Sudbury, for a reduction of Postage.—By the Earl of Stradbroke, from the Guardians of an Union in Suffolk, in favour of the New Poor-law.—By the Bishop of London, from a body of individuals, against permitting persons in the service of the East India Company assisting at Idolatrous Ceremonies in India.

Hayti.] Lord *Brougham* wished to ask the noble Viscount a question, whether he had taken any measures in relation to the free republic of Hayti? That state had been free for some years, and he wished to know whether the noble Lord had taken any steps towards placing that state on the same footing with regard to commercial intercourse with Jamaica and this country as any other independent state?

Lord *Glenelg* agreed that Hayti was no longer a colony, but in consequence of communications he had received he was enabled to answer the question to some extent. The subject of the commercial intercourse between Jamaica, this country, and Hayti had been for some time under the consideration of Government, and his noble Friend at the head of the Foreign-office was in communication with the French government upon it.

Lord *Brougham* denied, that there was

any necessity for holding any communication with the French government upon this subject. It was not the way to begin an amicable intercourse with Hayti; it would only create disagreeable feelings of soreness and jealousy. The republic of Hayti! The French government! How would America like such treatment? The only difference between them was the difference between whites and blacks. Why the Americans never bled more profusely for their freedom and independence than the free Africans who had been transplanted from their native land by our own crimes had profusely bled for their freedom and their undeniable independence and sovereignty. Hayti was as independent of King Louis Philippe, as King Louis Philippe was independent of Hayti. How would the Americans like that the French, instead of sending to Washington, should come to London to deliberate with the Foreign-office in England as to the American affairs? Anything more insulting to the republic of Hayti he could not conceive than that any communication or interference should be made on the subject of the rights of Hayti with the kingdom of France.

Subject dropped.

HOUSE OF COMMONS,

Monday, June 18, 1838.

MINUTES.] Bill. Read a second time:—Sugar Duties.

BENEFICES PLURALITIES BILL.] On the motion of Lord *John Russell* the Pluralities Bill was read a third time. The noble Lord then said, that he had some amendments and new clauses to propose in this bill. The right hon. Member for the University of Cambridge had suggested that the archbishop of a diocese should have the power of dispensing with residence in certain cases where benefices were held in plurality. He saw no objection to adopt the suggestion of the right hon. Gentleman. He had embodied this suggestion in a clause by which power would be given to the Archbishop of Canterbury to grant dispensations, or the power of a *veto*, on all cases of pluralities.

Clause added to the bill by way of rider.

Mr. Freshfield moved an amendment in Clause 35, to enable bishops to grant licences for non-residence in case of dangerous illness of the wife or child of any spiritual person.

Lord *John Russell* did not consider it necessary to invest the bishops with the power proposed, who were only disabled in that particular by acts no longer in force.

The House divided:—Ayes 42; Noes 72: Majority 30.

List of the AYES.

Alsager, Capt.
Arbuthnot, hon. H.
Bailey, J., junior
Bateson, Sir R.
Bramston, T. W.
Bruges, W. H. L.
Buller, Sir J. Y.
Burroughes, H. N.
Chute, W. L. W.
Clerk, Sir G.
Egerton, W. T.
Estcourt, T.
Estcourt, T.
Filmer, Sir E.
Fremantle, Sir T.
Glynne, Sir S. R.
Gordon, Capt.
Graham, Sir J.
Holmes, W. A'C.
Hope, G. W.
Hughes, W. B.
Hurt, F.
Inglis, Sir R. H.
Jackson, Serg.
Litton, E.
Lygon, hn. General
Mackenzie, T.
Manners, Lord C. S.
Mordaunt, Sir J.
Palmer, G.
Pringle, A.
Pusey, P.
Round, C. G.
Round, J.
Rushbrooke, R.
Sandon, Lord
Sheppard, T.
Sibthorp, Col.
Stanley, E.
Stewart, J.
Teignmouth, Lord

TELLERS.

Nicholl, J.
Freshfield, J. W.

List of the NOES.

Aglionby, H. A.
Aglionby, Major
Baines, E.
Barnard, E.
Beamish, F. B.
Bentinck, Lord
Bernal, R.
Bewes, T.
Bodkin, J. J.
Bridgeman, H.
Briscoe, J. I.
Brodie, W. B.
Brotherton, J.
Bryan, G.
Buller, E.
Busfield, W.
Campbell, Sir J.
Cavendish, C.
Cayley, E. S.
Chester, H.
Childers, J. W.
Craig, W. G.
Crawley, S.
Currie, R.
Curry, W.
Dalmeny, Lord
Darby, G.
Denniston, J.
Divett, E.
Dungannon, Lord
Ebrington, Lord
Edwards, J.
Evans, G.
Evans, W.
Fielden, J.
Fergusson, R. C.
Hawes, B.
Hector, Colonel
Hobhouse, T. B.
Hodgson, R.
Howick, Lord
Hume, J.
Humphery, J.
Hutton, R.
Jephson, C. D. O.
Lister, E. C.
Lushington, C.
Macnamara, W.
Maule, hon. F.
Miles, W.
Morpeth, Lord
O'Brien, W. S.
Pattison, J.
Pechell, Captain
Pendarves, E. W.
Philips, Sir R.
Phillpotts, J.
Price, Sir R.
Rice, T. S.
Rolfe, Sir R. M.
Rundle, J.
Russell, Lord J.

Salwey, Colonel
Sanford, E. A.
Scholefield, J.
Scrope, G. P.
Somerville, Sir W. M.
Stanley, W. O.
Steuart, R.
Stuart, V.
Strutt, E.
Sturt, H. C.
Thomson, C. P.
Thornely, T.
Troubridge, Sir E. T.
Vernon, G. H.
Vigors, N. A.
Walker, R.
Wall, C. B.
Westenra, H. R.
Williams, W.
Winnington, H.

TELLERS.
O'Ferrall, R.
Rich, H.

Clause rejected.

On the question that the bill do pass.

Mr. *Hawes* availed himself of the opportunity to protest against the measure, and expressed his regret that the noble Lord had been a party to it.

Lord *John Russell* said, he believed that the bill would cause increasing residences and diminishing pluralities, and he considered it an honour to have been in any way instrumental in passing it.

Bill passed.

MUNICIPAL CORPORATIONS (IRELAND).] The report of the Municipal Corporations (Ireland) Bill was brought up, and the bill re-committed.

Upon the 6th Clause,

Mr. O'Connell moved the omission of the words "rated to the poor," and to substitute for them the words, "should be of the yearly value of 10*l.*"

Mr. *Lascelles* wished, he said, to take that opportunity of stating why he had the other night voted against the right hon. Baronet, and those Gentlemen amongst whom he sat, and with whose views he generally coincided. He had long entertained a very strong opinion with respect to the municipal corporation question, and it was, therefore, with great regret, that he had in former years seen that the opportunity of coming to a settlement respecting it, had not been taken advantage of. Most sincerely did he now desire that they would come to an amicable settlement upon this question. There was no one, he was sure, who had seen the course which the present debate had taken, who must not be conscious that her Majesty's Ministers had abandoned the 5*l.* franchise. The difference between the two sides, was as to the mode of ascertaining the 10*l.* franchise. It appeared to him, that ascertaining the 10*l.* franchise by the net value, was raising the franchise above 10*l.* It was disputed, that the amount above 10*l.* would be something more, or something less; but that the effect would be to raise the franchise higher in Ireland than it was in England and in Scotland, could not be denied, and was not denied by those who sat on the same side of the House with himself. He still, however, entertained the hope, that after that great principle had been conceded—after agreeing to the amount of qualification, that some mode might be devised of coming to some conciliatory termination, and not to hold over this measure for another year as a matter of irritation. It appeared to him, that the bill introduced by the hon. Member for Stroud, where in the schedules were given two columns, one ascertaining the gross value, and the other the net value of property, by which the rates were to be imposed, would afford to them a principle by which they might act in coming to an amicable settlement. If such an object could be attained, it would afford him satisfaction for having been under the painful necessity of voting against his friends.

Mr. *O'Connell* concurred most heartily in the views which had been expressed by the hon. Gentleman who had just sat down. He would not press his amendment, if he was not thoroughly convinced that in proposing it, he was carrying into effect the object which that hon. Gentleman contemplated. He wished to show what was the difference between valuation for the purpose of rating, and the real value of property, and for this purpose he referred to the statement of the police valuators of Dublin, by which it appeared that the principle of valuation was effected by valuing property 33*l.* per cent under the actually paid rents.

Mr. *W. Miles* was sorry to see the benches on the opposite side were empty, when a matter of conciliation was under consideration. He wished to remark upon this point, that he had found, from inquiries he had made, that in the west of England, where there was a poor population, the rating of tenements differed from fifteen to twenty-two per cent under the real value.

Mr. *Pusey* regretted, that his absence on a former occasion, should have prevented him from voting with his hon. Friend, the Member for Wakefield (Mr. Lascelles). It would be a deep disappointment to all moderate reformers, and would do no credit to the legislative constitution of this country, if, upon a question so long considered, and upon which the peace of Ireland was so deeply involved, the legislature were once more to separate without coming to a settlement, calculated to satisfy the general expectation of the country.

Lord *Eliot* thought, that it was extremely desirable that they should come to a satisfactory settlement of this question, and he should regret much, if the present prospect of a settlement should fade away. He thought, that the settlement of this question was imperatively called for on all hands. It appeared to him, looking at the state of Ireland, and looking at the number of houses under 10*l*., that a smaller amount of qualification ought to be required there in proportion to this country. He was afraid that as the bill stood, with the schedules A and B, it would be difficult in the smaller towns to find persons qualified to act as councillors. He did not consider that this question was at all mixed up with the church question. He could conceive, that the Protestant church would have felt jealous as long as it was left in the power of the corporations to return Members to Parliament. With respect to this bill, he must say, that he conceived that a franchise of 10*l*. with a rating, would exceed a 10*l*. fair annual value.

Mr. *Slaney* said, that there did not remain a doubt that a 10*l*. rating was greater than a 10*l*. annual value. It amounted to a value of at least 12*l*. 10*s*. Ireland was a poorer country than either England or Scotland, and yet hon. Gentlemen opposite wished to give her a higher franchise.

Mr. *Lucas* was disposed to uphold the principle which the right hon. Baronet, the Member for Tamworth had laid down upon this subject,—namely, that the qualification for Ireland should be the same as that which had been laid down by law as the qualification for England and Scotland. It was, however, very difficult to know at present what really constituted a 10*l*. franchise in Ireland, and he was ready, agreeably with the sentiments which had been expressed by his hon. Friend, the Member for Somersetshire, that night, if it could be shown that this new phraseology, as it was termed, would raise the franchise in Ireland, to meet the hon. Gentlemen opposite fairly on the subject. He must remind the House, however, that he was the only Irish county Member present on his own side of the House.

Sir *G. Clerk* observed, that his right hon. Friend the Member for Tamworth had stated, when this question was last under discussion, that his only object was, to obtain a *bonâ fide* annual value of 10*l*. as the qualification for the municipal franchise; but looking to the difficulty of finding a proper test of the amount, he gladly availed himself of the means for procuring a fit test presented by the machinery of the Poor Relief Bill. When the hon. and learned Member for Dublin stated his anxiety to have the same franchise for Ireland as was established in Scotland, he overlooked the fact, that there existed an additional test of the value of a house besides the mere assertion of the occupier. When a person represented himself as occupying a house of 10*l*. yearly value, for the sake of obtaining a vote, he became liable to the assessed taxes with which a house of that value was charged. The object of an efficient test he understood to be, that no one should be permitted to put a fictitious value on his house in order to gain a vote without subjecting himself to increased taxation.

Mr *Litton* did not think, any Irish Member would wish to see a man's fancy made the test of the franchise which he might wish to confer on himself, because he did not think any Irish Member could bear to contemplate the enormous mass of perjury to which such a state of things would give rise. The efforts which had been made to confer the franchise on individuals who wished for it had caused a lamentable influx of demoralization into that country. It was utterly impossible to read the evidence of the Committee on Fictitious Votes in Ireland without coming to that conclusion; and he was sure, that every Member from Ireland must concur in the wish to put an end to such a state of things; and this end they might put, by giving some fixed, clear, and ascertained test of value. But if they determined to give a test of value, what test could they have so good as that which would be held out to them by the New Poor-law? A rating such as this, in which the whole country was interested that it should work well, was certainly the best adapted for the purposes of this bill; and if it were adopted, the vices and informalities of that system of rating which were relied on to support the proposition of the hon. and learned Member for Dublin would in his (Mr. Litton's) opinion, be got rid of. He meant, therefore, to suggest to the House, that by adopting the rating of the poor-law, they would do justice, and, as he thought, the only objection to the clause would be removed.

Mr. *O'Connell* must protest against the slightest credence being given to the statement of the hon. and learned Member. Indeed, he should really have thought, but from the gravity of the hon. and learned Gentleman's manner, that he was pleased to be facetious. There was not any evidence of perjury brought before the Committee. There was, it was true, some difference as to the facts, but it was not in the evidence, but in the law, being caused solely by the vagueness of the words of the law. The law spoke of two kinds of franchise—chattel franchise, and freehold franchise—and it was this difference, taken by the law, that created the difference in the testimony.

Lord *John Russell* admitted, the great candour evinced by many hon. Gentlemen opposite in the discussion of this question, and the disposition they showed to take the difficulties of it into fair consideration, but he would beg the Committee to recollect what had taken place with respect to this clause. It was first proposed on his side, that there should be a 10*l.* franchise for the large towns, to be taken by the value. The right hon. Baronet, the Member for Tamworth, said, he would not object to a 10*l.* franchise provided it were taken on the rating to the poor-rate. To that it was objected that it would be raising the qualification in all cases beyond the actual value of the house, so that a house rated at 10*l.* would in all cases be worth more than 10*l.* annual value. The hon Member for Somerset had pointed out a course by which a different mode of rating under the poor-law bill might come nearer the real value of the property rated; but, without saying that this would get rid of all the difficulty of the case, he thought a mode of rating might be obtained which would considerably lessen that difficulty. What he principally rose for was, to impress on the mind of the right hon. Baronet, the Member for Stamford (Sir George Clerk)—he was sure he need not do so on many other hon. Members who had spoken on the other side—that they should make it plain to the people of Ireland that they were to obtain the municipal franchise in the same manner as those of other parts of the United Kingdom. It would be immaterial whether this bill passed or not, if it were such as would create discontent instead of satisfaction to the people of Ireland. He did hope that if any change could be made in the rating under the Irish Poor-law Bill, by which the real value of the property could be come at, it would be adopted. Hon. Members at the other side having so far given way as to admit that the Irish people should be admitted to the municipal franchise, ought to consent to its being given in that way which would give general satisfaction.

Mr. Sergeant *Jackson* said, that there was less difference between both sides of the House than was at first supposed. The object which the Opposition had in view was, to have a *bonâ fide* qualification of 10*l.*; and if that could be managed, it would give general satisfaction, he had no doubt, to both sides. Gentlemen on the Ministerial side of the House contended, that the qualification should be 10*l.* of letting value. Now, he, on the contrary, must contend that it would be desirable to take some test of value extrinsic of that attached by the tenants themselves, or their witnesses. It would be seen, in reference to the evidence before the committee, that in Cork, Belfast, and Clonmel, parties had registered out of cellars belonging to houses, the whole of which were not worth 6*l.* a-year; yet those parties swore that they had a good 10*l.* qualification. Therefore, he must repeat, that they ought to have some better test than the value attached by the parties themselves.

Mr. *P. Scrope* contended that the *bonâ fide* value of a property consisted, not only of what the possessor paid for it as rent, but also his disbursements for repairs, insurance, and taxes. If a party paid 7*l.* rent, and 3*l.* taxes and insurance, it was to all intents a *bonâ fide* qualification of 10*l.* The elements of a 10*l.* qualification he took to be, first, the net rental; next, 25*l.* per cent. on that rental for repairs and insurance; and then the amount paid for taxes. If all these together amounted to 10*l.*, that was the actual sum which the man paid for his tenement, and ought to give him a qualification.

Mr. *Darby* observed, that the mode of measuring the qualification mentioned by the hon. Member who spoke last would be totally different from that acted upon in this country. Here it was measured by the amount of rent which a man paid, not by the actual value. For instance, one man rented a farm, tithe free, for which he paid 50*l.* a-year; he was allowed to vote; while another man renting a farm of the same extent, not tithe free, paid only 40*l.* a-year, and was not allowed to vote. He would prefer the system of rating, because the whole system of value would be exposed to the grossest frauds. The principle of rating was that for which the right hon. Member for Tamworth had so strongly contended the other evening; and if the right hon. Baronet should give up that principle, he would be betraying every man who voted with him on that occasion.

The Amendment negatived.

The Clause agreed to.

House resumed, bill as amended to be printed.

SLAVE VESSELS CAPTURED.] The House in Committee on the Slave Vessels Captured Bill.

On Clause 4,

Captain *Pechell* said, his wish was that all the money given as bounty should go into the pockets of the officers and sailors who took the ships. And this was the understanding when the bill was formerly before the House; but it would be found that although no fees were charged, there were deductions made which amounted to five per cent., the bounty paid not being 5*l.*, but 4*l.* 15*s.* He held in his hand an account of a capture of a ship with 441 slaves on board, and the amount of deductions from the bounty was 110*l.* 18*s.* 3*d.* The fees were not now paid partly to the Exchequer and partly to the Treasury, but to the Treasury in lot; and he must say, the parties were cheated out of a proportion of the amount which they ought to receive. He should move as an amendment, that the bounties be paid free of all deduction and charge whatsoever.

The *Chancellor of the Exchequer* said, the gallant Officer wished the House to imagine that the Government desired to defraud the officers of the navy. This was not so, and he had never known such a want of knowledge on this subject as had been shown by his gallant Friend, who had not dealt fairly either with the House or the Government. The object of the bill was, to give rewards to the navy for their best exertions, by allowing bounties on the tonnage of vessels captured while employed in the slave-trade, but without slaves on board, equal to what would have been awarded if the latter had been the case. The observations of his gallant Friend did not apply to the present bill, because there were new bounties to be paid on the tonnage of the vessels captured, and were to be paid free of any deduction whatever. With regard to the old bounties, all he would say was, that since the year 1831 no less a sum than 306,000*l.* had been paid to the navy, on account of vessels captured with slaves on board; and this bill would give 22,000*l.* on account of ships that had been already captured without having slaves on board.

Mr. *Pease* said, the officers had been out of pocket in every instance where the prizes, when condemned, did not realize the amount of condemnation; and, therefore, it was but fair either that they should have their expenses paid or be allowed bounty.

Sir *R. Inglis* said, the loss of human life, not in an open attack of war, but in silent destruction, without glory, in resisting this black and accursed system of slavery, was far greater than was the case in any other branch of the service. He did, therefore, seriously urge upon the Government that the officers and men employed in it ought either to have increased bounties or double pay, while engaged in a service in accordance with the wishes of the whole nation.

The Amendment withdrawn.

Bill passed through the Committee.

PARLIAMENTARY BURGHS (SCOTLAND).] Mr. *F. Maule* moved the second reading of the Parliamentary Burghs (Scotland) Bill. The bill of 1832 had been passed in a hurry and discovered various defects. No means were provided for raising municipal funds, and advances had been made from the private funds of the magistrates, which they could not be reimbursed. He proposed to supply this defect, and also to change the qualification of the municipal constituency by requiring that an elector should have resided four months in the town, or carried on trade there for the preceding twelve-months. Another alteration he proposed was that of introducing a 5*l.* qualification in two small burghs—Cromarty and Oban.

Sir *G. Clerk* hoped the hon. Member did not intend to proceed with the other bill (the Royal Burghs Bill), which was of more importance, the present session, since not a single burgh in Scotland had expressed its opinion in favour of the bill. With regard to the present bill, if it was necessary to proceed with it, he hoped Edinburgh and Glasgow would not be included in it. Those towns had opposed the bill; and with regard to Glasgow, a pledge had been given that it should not extend to that town. The most important alteration which the bill contemplated, was that of the municipal franchise. He was sorry that the hon. and learned Member for Dublin was not in the House when the alteration was proposed of a system which he had panegyrised. The present qualification was a residence of six months; why alter it to four; Then with respect to carrying on business; suppose a man had carried on trade for many years, and had left it off, was he to have no voice in the municipal government of the town? He would, of all others, have the most interest in its good government. He felt, that he was bound to oppose the bill on the ground that the alterations proposed to be effected by it were uncalled for—namely, in the first place, that no person should be allowed to exercise the franchise who did not reside within the town; and secondly, that there should be a difference of the franchise in the larger and the smaller towns. He begged to ask if one single recommendation of the commissioners who had inquired into and reported on this subject had been embodied in the bill? Not one; although it was pretended that the bill had been founded on the report of the commissioners. Its provisions, in fact, were totally at variance with the recommendations of the commissioners: for they had declared in favour of an uniform franchise, and proposed that in towns of small size the number of councillors should be diminished, so that instead of having fifteen or twenty-one councillors, the number should be reduced to nine, or six, or even three. In some cases, indeed, it would be better to take away the corporations altogether. The change proposed to be made in the municipal franchise by this bill must, he believed, in a short time effect a change in the Parliamentary franchise, and therefore he hoped the House would not sanction it, more particularly as it was only part of a system which was to be extended to a greater class of burghs, and still more because not a single petition had been presented to Parliament in favour of the measure, while many against it had been presented.

The *Lord-Advocate* said, the observations of the hon. Baronet did not apply to the present bill, but to another—the Royal Burghs bill. It was quite necessary that a distinction should be observed between the two bills, and that the interests of two different classes of burghs should be legislated upon separately. The object of this bill was, not to diminish the franchise, or to interfere with existing rights, but to give more ample powers of local government to the Parliamentary burghs, and to remedy certain inconveniences and abuses which had grown up. He would not detain the House by dwelling on the merits of the bill, further than to say, that it was one which would effect considerable improvements in the corporations to which it would apply, and he confidently hoped that the House would agree to the second reading.

Mr. *Colquhoun* objected to the bill; because, it would cause a reduction of the franchise; and because it was a surreptitious intrusion upon the rights given by the existing Act. This bill would neither correct the evils arising out of the deficiency of rating, nor lead to the establishment of a good police. In fact, it was a bill full of sins of omission and commission. It was calculated to interfere with the rights of property in Scotland, and he hoped that it would be rejected by hon. Gentlemen on both sides of the House.

Mr. *R. Steuart* could see no sins either of omission or commission in the bill. It had nothing to do with the Royal Burghs Bill, but its object was to give to those burghs which now possessed a nominal corporation only power to establish *bonâ fide* corporations, and to enable them also to provide means for the maintenance of those corporations. A number of the burghs of Scotland had been called on to have corporations, and town-councils, and magistrates, and had been put to great expense without the means of meeting it, and they were at the present moment under a debt, not only of gratitude, but of a pecuniary nature, being largely out of pocket. He would ask the House whether they would not afford those gentlemen who had assumed the offices of magistrates and councillors an opportunity of having those expenses reimbursed to which they had been put in carrying out the intentions of the Legislature? The object of the bill was to enable magistrates to keep the corporations in those boroughs in a fit and proper state, to alter the number of councillors, and the franchise under which those councillors were elected. The bill did not seek to undermine the Parliamentary franchise, but to prevent the evils rising from the continuance of a 10*l.* franchise in the two small and insignificant towns, where at present it was utterly impossible under the existing franchise to get a fit and corporate body. The same state of things existed in the district of burghs he had the honour to represent, for there under a 10*l.* franchise, even after abolishing the burgess-rate altogether, it was impossible to find suitable individuals to effect the change the law at present required of one-third of the body of councillors going out of office in each year. In such burghs there could surely exist no reason against reducing the qualification in the way proposed by his hon. friend, especially after the mode in which the Scotch Municipal Reform Bill of 1833 was smuggled through this House. That bill had been so altered in another place as to render it impossible to recognize it as the measure which had passed this branch of the Legislature, and this bill, in conformity as it was with the provisions of that original measure, had now been three years before Parliament without any of the objections now suggested being raised against it. On these grounds and considerations he trusted the House would at least consent to the second reading of the Bill.

Sir *W. Rae* rose to supply an omission of which his hon. Friend the Member for Stamford had been guilty,—namely, to move, that the bill be read a second time this day three months. The whole of the argument adduced on the other side, had, while it endeavoured to keep this bill separate and distinct from the Royal Burghs Bill, been directed to the provisions of both measures. It was impossible it could be otherwise—the measures were identical and both combined the principle of reducing the qualification from 10*l.* to 5*l.* It was convenient for hon. Members opposite to tell the House that this bill was only confined to two boroughs—but once passed, what use would be made of the principle it embodied, when in the other bills which contained no less than thirty-one burghs, it was also proposed to reduce the qualification to 5*l.* sterling? If once the principle was established that 5*l.* was a proper qualification in the burghs referred to in this bill, it would be urged as a ground for the establishment of a similar franchise in the other burghs specified in the bill which had been indirectly referred to, and it would follow, that the adoption of the same franchise would be sought to be established with reference to the election of Members of Parliament. This bill was proposed, as he conceived, only with a view to deprive property of that influence which justly it ought to possess, and on these grounds he should move, that the bill be read a second time this day three months.

The House divided on the original motion — Ayes 88; Noes 59: Majority 29.

List of the Ayes.

Abercromby, G.
Adam, Admiral
Aglionby, H. A.
Aglionby, Major
Ball, N.
Beamish, F. B.
Bewes, T.
Blake, M.
Bowes, J.
Brabazon, Sir W.
Bridgeman, H.
Brotherton, J.
Busfeild, W.
Chalmers, P.
Chichester, J. P.
Collier, J.
Craig, W. G.
Crawford, W.
Curry, W.
Dennistoun, J.
Duke, Sir J.
Dundas, C. W. D.
Elliot, hon. J. E.
Evans, W.
Ferguson, Sir R.
Ferguson, R. C.
Finch, F.
Fleetwood, P. H.
Gordon, R.
Greenaway, C.
Hastie, A.
Hawes, B.
Hawkins, J. H.
Hayter, W. G.
Hindley, C.
Hobhouse, T. B.
Howard, F. G.
Howard, R.
Hume, J.
Johnson, Gen.
Kinnaird, hon. A. F.
Lefevre, C. S.
Lennox, Lord G.
Loch, J.
Martin, J.
Morpeth, Viscount
Morris, D.
Murray, J. A.
Muskett, G. A.
O'Brien, W. S.
O'Connell, M. J.
O'Connell, M.
O'Conor, Don
O'Ferrall, R. M.
Parker, J.
Pease, J.
Pechell, Captain
Power, J.
Price, Sir R.
Pryme, G.
Redington, T. N.
Rice, E. R.
Roche, D.
Rolfe, Sir R. M.
Rundle, J.
Salwey, Col.

Sanford, E. A.
Scholefield, J.
Sharpe, Gen.
Smith, B.
Staunton, Sir G.
Stewart, J.
Stuart, Lord J.
Strutt, E.
Style, Sir C.
Talfourd, Serg.
Thornley, T.
Townley, R. G.
Vigors, N. A.
Wallace, R.
Wemyss, J. E.
Williams, W.
Williams, W. A.
Wilshere, W.
Winnington, T.
Wood, Sir M.
Wood, G. W.
Yates, J. A.

TELLERS.

Maule, F.
Steuart, R.

List of the Noes.

Acland, T. D.
Alsager, Capt.
Arbuthnott, H.
Bagge, W.
Bailey, J. jun.
Bateson, Sir R.
Blackstone, W. S.
Blair, J.
Broadley, H.
Broadwood, H.
Bruges, W. H. L.
Buller, Sir J. Y.
Burroughes, H. N.
Campbell, Sir H.
Chute, W. L. W.
Compton, H. C.
Courtenay, P.
Darby, G.
Douglas, Sir C. E.
Dungannon, Lord
Eaton, R. J.
Estcourt, T.
Farnham, E. B.
Fector, J. M.
Filmer, Sir E.
Fremantle, Sir T.
Glynne, Sir S. R.
Gordon, Capt.
Gore, O. G. R.
Grimsditch, T.
Hepburn, Sir T.
Hodgson, R.
Hogg, J. W.
Hope, G. W.
Houstoun, G.
Hughes, W. B.
Hurt, F.
Jackson, Serg.
Johnstone, H.
Jones, J.
Kemble, H.
Knox, hon. T.
Litton, E.
Lockhart, A. M.
Mackenzie, T.
Mackenzie, W. F.
Miles, P. W. S.
Nicholl, J.
Noel, W. M.
Plumptre, J. P.
Pringle, A.
Rae, rt. hon. Sir W.
Round, C. G.
Round, J.
Rushbrooke, R.
Rushout, G.
Shaw, rt. hon. F.
Sinclair, Sir G.
Walsh, Sir J.

TELLERS.

Clerk, Sir G.
Colquhoun,—

Bill read a second time.

Party Processions (Ireland).] Sir *R. Bateson* could not allow the second reading of this bill to pass in silence. He was not one who would object to put down party processions of all kinds in Ireland, but he must complain of the partial, unconstitutional, and monstrous powers vested in stipendiary magistrates by the law which this bill sought to renew. That law had been executed in Ireland in a manner which he was confident the Legislature had never contemplated, inasmuch as it had not been brought to work with equal justice upon all parties. It was not equal justice to allow parties to go out with banners to meetings against tithes, while on other occasions a small number of individuals for merely carrying a flag of a certain colour were sent to gaol, the greater offenders against the peace being permitted to go at large. The operation of the law which this bill sought to renew had endangered the peace and tranquillity of Ireland, inasmuch as it had been especially carried out against Orangemen. In the city of Londonderry, where the custom had long been on the 18th of December in each year to celebrate a festival, and even when no prospect of a disturbance presented itself, that city had, under this law, been inundated by a large body of police, headed by a stipendiary magistrate. The city of Derry was thus taken possession of at an early hour in the morning, and thus the ceremonies, which were harmless to every one, of the apprentice-boys of Derry were prevented. The apprentices of Derry had been grossly insulted, and their city most unlawfully and unconstitutionally invaded by a large body of armed police. By the charter of the city of Derry no magistrate could act except he had served the office of mayor and by that charter he and those similarly circumstanced were alone empowered to act, unless some excuse of incapacity or otherwise was given. Now, in the instance to which he had alluded no offence had been given, no complaint was made either against the mayor or the aldermen, who having served the office of mayor were competent under the charter to act. No application to the Government for aid had been forwarded, and yet an armed police, headed by a stipendiary magistrate, had been introduced into a peaceful city. Again, since the provisions of the bill had been law the northern counties of Ireland had always on the 12th of July been treated as rebellious counties, and he believed the armed forces introduced into them to prevent on those days the usual ceremonies had been so introduced for the sake of irritation, and for provoking the otherwise peaceable and loyal population. That effect, he was happy to say, had not been produced, but he must assert that the Protestants of the north of Ireland had been insulted, their best feelings irritated and excited by the operation of the law now desired to be renewed. This bill was intended to put down the processions of one party in Ireland, but the other party were not interfered with. Every St. Patrick's day there were party processions, and the bands of the regiments in Dublin played party tunes, which were quite as revolting to the feelings of the Protestants as any Orange tune could be to the ears of the Roman Catholic party in Ireland. To these party processions the Lord-lieutenant gave every sanction, and regularly came to the window of the Castle on that occasion to cheer the mob. This might be Irish justice, all on one side, but its effect could only be to irritate and insult the Protestants of Ireland. If it had been the intention of the Government to bring forward this bill, they ought to have brought it forward at an earlier period of the Session. He lamented exceedingly that they had not done so, for he was afraid that the Protestants in the north of Ireland, supposing that the bill should die a natural death, would renew on the ensuing 12th of July their usual processions. It was not his intention to divide the House, but he must decidedly enter his protest against the bill.

Viscount *Morpeth* would not run the risk of imitating the people of Ireland by dwelling upon any topic which might have a tendency to inflame party feeling. He would only beg the House to pass this bill, if for no other reason, on the ground supplied by the hon. Baronet himself, that if the bill were not renewed, it would be likely to lead to a renewal of party processions. He, however, quite agreed with the hon. Baronet in thinking that this bill ought to be carried out impartially, and that its provisions ought to be enforced against all parties who offended against the law.

Viscount *Dungannon* said, that if the hon. Baronet would not divide the House, he would.

The House divided:—Ayes 74; Noes 10:—Majority 64.

List of the AYES.

Abercrombie, G.
Adam, Admiral
Aglionby, H. A.
Aglionby, Major
Bailey, J., jun.
Ball, N.
Beamish, F. B.
Bewes, T.
Blake, M. J.
Brabazon, Sir W.
Bridgeman, H.
Brotherton, J.
Bruges, W. H. L.
Busfield, W.
Collier, J.
Craig, W.
Curry, W.
Darby, G.
Dennistoun, J.
Douglas, Sir C. F.
Dundas, C. W. D.
Elliott, hon. J. E.
Evans, W.
Ferguson, Sir R.
Ferguson, hon. R.
Finch, F.
Fleetwood, P. H.
Gordon, R.
Greenaway, C.
Hastie, A.
Hawes, B.
Hayter, W. G.
Hepburn, Sir T. B.
Hobhouse, T. B.
Howard, R.
Hughes, W. B.
Hurt, F.
Jackson, Sergeant
Johnson, General
Kinnaird, hon. F. A.
Martin, J.
Morpeth, Viscount
Murray, J. A.
Muskett, G. A.
Nicholl, J.
O'Brien, W. S.
O'Connell, M. J.
O'Connell, M.
O'Conor, Don
O'Ferrall, R. M.
Parker, J.
Pease, J.
Pechell, Captain
Power, J.
Price, Sir R.
Redington, T. N.
Rice, E. R.
Roche, D.
Rolfe, Sir R. M.
Round, C. G.
Rundle, J.
Salwey, Colonel
Sanford, E. A.
Scholefield, J.
Stuart, Lord J.
Style, Sir C.
Thornely, T.
Vigors, N. A.
Wallace, R.
Williams, W. A.
Wilshere, W.
Winnington, T.
Wood, Sir M.
Wood, G. W.

TELLERS.

Steuart, R.
Maule, F.

List of the NOES.

Burroughes, H. N.
Chute, W. L. W.
Estcourt, T.
Fector, J. M.
Filmer, Sir E.
Litton, E.
Lockhart, A. M.
Miles, P. W. S.
Rushbrooke, R.
Sibthorp, Colonel

TELLERS.

Dungannon, Lord
Bateson, Sir R.

Bill read a second time.

HOUSE OF LORDS,

Tuesday, June 19, 1838.

MINUTES.] Petitions presented. By Lord ASHBURTON, from Colchester, and another place, and by the Bishops of DURHAM, from Durham, for a reduction in the rate of Postage.

CANTERBURY FANATICS.] Earl *Stanhope* rose to present a petition on the late melancholy occurrences in the county of Kent. The petition came from the London Democratic Association. The petitioners were anxious that inquiry might be instituted into the facts of the late lamentable catastrophe, and that the parties implicated and who were now imprisoned might be discharged from custody, in order that they might give evidence, and that all proceedings against them might be stayed. The prayer of the petition was founded on the three following reasons, with which only he would trouble the House. The first was, that the man, who was the leader, was a madman, of which there were various proofs; secondly, that it was admitted on all hands, that previously to the killing of the constable there was no breach of the peace committed; and, thirdly, that the military were called out to aid the civil power before any evidence had been given, that the parties meant to commit a riot, and that the military were not authorised by law to interfere till after the reading of the Riot Act, by which the magistrates had rendered themselves liable for the unfortunate result; and they had done so the more when with the interference of the military were coupled the instructions given by Dr. Poore to take Courtenay "dead or alive," and the fact that the officers commenced the affray. The petitioners prayed for the appointment of a committee to investigate the deplorable event, and, till the report should be made, to suspend all judicial proceedings connected therewith. This petition had the word "humbly" in the prayer.

Lord *Brougham* did not object to this petition, because it came from the Democratic Association, but because it contained a prayer with which the House had no power to comply. If the House complied with that prayer, it would be guilty of a breach of the law, and would render themselves liable to a proceeding which he would not describe. The House had no right to stay any judicial proceedings. He had a great respect for the motives of the petitioners, and he did not wish that they should go away with the belief that people who laboured under what they called the mental disease of fanaticism, whether civil or religious, and whether on the subject of Church and State, or of the poor-law, were entitled to do whatever they pleased, without being liable to punishment for it. The petitioners stated, that because the lunatic could not, in the eye of the law, be punished for a crime, the accessories should be unpunished. They forgot altogether, that until he was tried and found to have been a lunatic at the time that the offence was committed he was amenable to justice; that they were amenable also; and that, unless it were proved that they were likewise lunais, they might be punished as offenders.

The Earl of *Winchilsea*, in justice to the acting magistrates of the county of Kent, wished to say on their behalf, that they were willing that any inquiry should take place into their conduct before a tribunal competent to try it. He was ignorant of any power which the House possessed to liberate the parties now in prison, and he should turn a democrat himself if he thought that the House of Lords had the power to release, without trial, parties charged with the commission of crimes.

Lord *Teynham* had received much information on this subject, and he must say, notwithstanding what the noble Earl had stated, that it was imperative on the Government of the country to investigate the circumstances, and to obtain such information as might enable them to judge whether these men were or were not properly confined. He wished to ask the noble Viscount whether it were the intention of the Government to institute any inquiry into the conduct of the magistrates?

The Duke of *Richmond* hoped, that his noble Friend, at the head of her Majesty's Government, would give no answer to the question, for nothing was more dangerous than to have discussions in that House on the guilt or innocence of persons who were prisoners awaiting their trial. The trial would take place at the Assizes before one of the judges of the land, and the parties would be regularly indicted for the offence. He understood that they were committed to prison on the warrant of the coroner of the county of Kent, whose duty it was to summon a jury and to hold an inquest. The jury had found a verdict of wilful murder, and the parties were sent to prison to be tried. He hoped, therefore, that his noble Friend would give no answer to the present question; but, if after the trial had taken place there was any charge against the magistrates or the military, he felt no doubt that they would be most ready, willing, eager, and anxious, to have their conduct inquired into.—Petition rejected.

GENERAL SYSTEM OF RAILWAYS.] The Duke of Wellington moved, that pursuant to the prayer of the petition of the Chancellor and University of Oxford, they be heard by counsel at the bar against the Great Western and Oxford Railway Bill.

Earl *Fitzwilliam* was very desirous of offering a few words to their Lordships on that occasion, not for the purpose of discussing the particular question then before them, but to take that opportunity of restating what he remembered to have stated on a former occasion on a question which appeared to him to be of great importance.

He believed, that no noble Lord present could anticipate the important results which would be derived from the construction of a proper system of railroads throughout the country. In Ireland the Government had taken the precaution of instituting a general survey, that the railways might be constructed with some reference to one another; and he thought, that it was extremely unfortunate that something of this kind had not been done in this country. He knew that some persons thought that the time had passed when this could be done with advantage; but, with all deference to their opinion, he thought that it might still be done. Although many railway bills had already passed, yet their Lordships must be convinced that they were only at the commencement of the system, and that even now great benefit would accrue if they endeavoured to proceed upon some general plan. Great changes must be effected, and unless they did this there would be interminable confusion. Contests between different parties would arise, and in their determination he feared that they would not always be guided by the principles of justice; but that they would, as all Parliaments had done, and as probably all Parliaments would ever do, be too prone to consult the wishes and private interests of individuals. In the construction of the railways it was important that they should be made to communicate easily with one another; but if they were made on different levels—even if one railway were constructed upon an improper or an injudicious level—the country through which it passed would be deprived of great advantages, and there would not be the means of making from that railroad further ramifications. For instance, if a railroad were constructed on a high level in a low country, or, what was sometimes the case, and was not an absurdity, though the other course would, perhaps, be the most probable, if it were constructed on a low level in a high country, it was obvious that they would lose many of the advantages of communication which would exist if it were constructed properly and with reference to other lines. He wished, therefore, to throw out for the consideration of their Lordships and of the executive Government whether the time was even now passed when the step which had been taken in Ireland might not be judiciously taken in England, and whether great advantages would not be derived from adopting this suggestion? What was now proposed? That counsel should be heard at the bar against a particular railway bill. How infinitely better it would have been, that there should have been a previous survey of the district, so that independent and impartial opinions might be obtained as to the best line of communication; for counsel must ever keep in view the private interests of those for whom they were concerned, and not the public interest.

Lord *Wharncliffe* would not argue the general question of how far it might have been or was advantageous to establish a survey of the different proposed lines in England, but he would confine himself to the consideration of the course proposed upon the present bill, which was contrary to all precedents. If the inhabitants or the university could show that their interests were damaged by the bill, they would have a full opportunity of laying their case before the Select Committee, when all parties would have an opportunity of being heard. He saw no reason, therefore, for departing in this case from the general rule. No one was more anxious than himself to protect the interests of the University of Oxford, but he thought, that by entertaining the present proposition they would open the door to a most inconvenient precedent.

The Duke of *Wellington* said, that it was not against the particulars or the details of the bill that the petitioners objected: they objected to having a railroad at all. Nothing was more proper, therefore, than to reject the bill on the second reading, or to hear counsel against it, that they might learn the objectionable points.

The question that counsel be heard against the bill was negatived.

SPAIN.] The Marquess of *Londonderry*.* My Lords, I frankly confess, that I never felt so much embarrassment in addressing your Lordships, as I do on the present occasion. My task is indeed a most arduous one, the more so as I feel my own inability to enter upon so great and complicated a subject as that which I am about to submit to your Lordships. Scarcely can I hope to do it adequate justice; for, in the course of my inquiry, I shall have to move over the space of the last four years, and to travel through the whole course of the policy—and a more mischievous policy never guided the councils of a state—which has been adopted by the Government of this towards another country. I am upheld, however, in my desire to bring this question forward by the anxious interest which I have taken in it from the very commencement, and because having often introduced the subject to your Lordships' notice, I have, at length, found a period, when her Majesty's Government have admitted, that the course of their policy has been mistaken, unwise, and improper; for they, the other day, came down to this house, and stated, that it was not their intention to renew the Order in Council, from which all the mischief and all the disgraceful and humiliating proceedings of the war have resulted. I may be asked what I propose to myself by again bringing the subject before this House. Is it to be supposed that I can be able to shake the position of the noble Viscount opposite, or to induce your Lordships to consent to a vote of censure, which might produce a change in the administration of the country? I candidly avow that I have no such expectations.

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* From a corrected report, published by Hatchard and Son.

The noble Viscount is, as I stated the other day, upheld on the one side by the great Conservative party when he advocates the real principles of the Constitution; and on the other by what may be called his household troops a sort of Radical *appui*—and, floating between the two, favouring each as occasion requires, and buoyed up alternately by both, it seems impossible, under present circumstances, to shake him from a position equally ignoble and unintelligible; but I think I have a right to call on the noble Viscount to have a reckoning with one, who, for the last four years, has constantly opposed his policy. I think I have a right to demand some explanation of the reasons that have induced him, at so great a sacrifice of money, of men, of character, and national reputation, to pursue a course of proceeding in this war, which has been so fatal to this country and so disgraceful to our name.

It is true that this subject has been most fully treated elsewhere, but I think, if it were considered that all discussion was to be at an end, after the last debate which took place respecting it in the Commons House of Parliament, that a false impression would go forth to the country, and to Europe, as to the real feeling of the Nation and of the Legislature with respect to the policy of Government in regard to Spain. It is also true, that a very luminous and eloquent speech was made upon this subject in another place, by a learned and celebrated person—by a person who might be thought particularly celebrated, since he was selected by the Government to fill a distinguished appointment, almost a sinecure—a Greenwich commissionership, or something of the kind. He (Mr. Sheil) had chosen to open his official career—to mark his entry into place, by a speech upon Spanish Affairs, and as any thing falling from so learned and fortunate a gentleman must have great weight in the assembly where it was spoken, and the subject therein discussed being besides connected with the question which I am about to bring under your Lordships' consideration, perhaps I may be allowed to make a few remarks on this oration.

I know I am in some degree, out of order, in referring to proceedings elsewhere, but if reference was made to what proceeded from me in your Lordships' House I may surely claim at your Lordships' hands the indulgence of making a few observations. The outline of that celebrated speech, to which I suppose I may now refer as matter of history, and the main argument of it, was this—that, if the Conservatives came into power, they would be obliged to follow the same system and act precisely as the noble Viscount had done. Now, that learned Gentleman could hardly have read the last recorded sentiments of the noble Duke behind me on that subject, because the noble Duke had then stated distinctly, that he should confine himself strictly and closely to the obligations of the Treaty and not go beyond it; but what the Conservatives found fault with in the conduct of the noble Viscount was—that he had gone out of his way for the purpose, apparently, of attempting to become a belligerent—that he had employed men and money in the service of the Queen of Spain—and now that the money had been expended and these unfortunate men had returned, and were wandering destitute in our streets, he had abandoned them to the tender mercies of the Spanish Government. What the Conservatives complained of was, that the noble Viscount had caused his countrymen to enter into the service of the Queen of Spain, under false pretences, by delusive encouragement and by delusive hopes, and now, at the eleventh hour, when their toil and their danger were over—when their privations had terminated and they had experienced both disappointment and ingratitude, they were abandoned to their own fate, many obliged to beg their bread, and when they approached the organs of Government to represent their grievances, they were put aside with some shuffling excuse or other, as if for them there was no redress.

The next point in the speech of the learned Gentleman was in reply to some animadversions of mine on the conduct of General Evans for occupying the lines of St. Sebastian; and upon that point the learned Gentleman very emphatically observed, "If you demand what General Evans did in the lines of St. Sebastian, I desire to know what the Duke of Wellington had done in the lines of Torres Vedras?" How could any person in his sober senses ask such a question? Good God! were those two achievements to be put in juxta-position? What! were the great wars of a Cæsar to be compared with a partizan expedition from the Isle of Dogs, for a mere momentary object? What, my Lords, did the lines of Torres Vedras accomplish? Does your Lordships forget the long list of battles which ensued on the departure from those lines to the triumphant arrival of our troops in Paris? Do you forget Fuentes d'Onor, Albuera, Cuidad Rodrigo, Badajoz, Salamanca, Vittoria,—the battles of the Pyrenees, St. Sebastian, Nivelle, Nive, Orthez, Thoulouse, and lastly Waterloo, in all, seventeen pitched battles and sieges, besides the occupation of Madrid and the entire evacuation of Spain? Have we forgotten the medals struck upon the most memorable of these occasions? Have we forgotten the memorable march upon Vittoria, with the capture of 150 pieces of cannon—the campaign across the Pyrenees in the depth of winter? And yet all these glorious events were due to our holding the lines of Torres Vedras—to that moral firmness of purpose—to that sagacious foresight—that patience and perseverance then displayed by our gallant army and its commander. And after looking to so many great and glorious results, arising out of the occupation of those memorable lines, can any comparison be made between them and the lines of St. Sebastian, the occupation of which has been attended with starvation, defeat and disgrace?

But, my Lords, let us take a wider range. Let us see what Ministers have gained by persevering for more than four years in their general Spanish policy, during which period 4,000 or 5,000 British lives have been lost and some millions of money expended. Our deluded countrymen expected to make short work of Don Carlos—they thought they were going on a summer's campaign and would have lots of profit. They hoped to quell the rebellion in the Northern provinces and put down Don Carlos in a few short months, and yet, at the end of a four years' trial, how does the matter stand? Why, actually he fares better now than when our auxiliaries landed to co-operate with the Queen of Spain's army, the best portions of which have since been gradually destroyed, while Don Carlos, on the other hand, has extended his sway, has increased his army to an imposing size, and has besides obtained the possession of several commanding positions. Such has been the effect of our interference and co-operation!

But there was another part of the speech just alluded to, in which the learned Gentleman referred personally to myself, and reluctant as I am to trespass upon your Lordships' time, I cannot refrain from noticing that allusion. The learned Gentleman expressed satisfaction in being able to say, that, with respect to my Spanish opinions, I always adopted a manly and straightforward line of conduct towards the Legion, and he further stated, that he had recently read a speech of mine, in which I had spoken in the handsomest manner of the conduct and courage of the officers and men composing it—that I appeared to feel towards them as fellow-officers and fellow-soldiers, and had manfully upheld their conduct in Spain. Words to this effect were, I believe, used by the hon. and learned Gentleman, and the circumstance was rather curious, from such a quarter. In presenting a petition on a late occasion from some of those officers and men who intrusted their case to me, I certainly did think, that if I could raise my voice in their favour and accomplish for those unfortunate individuals who had been so shamefully seduced, the settlement of their just claims, by pressing them upon the attention of Government, I should have rendered them a service which, to me, as a fellow-soldier, would have been particularly grateful.

But the noble Lord at the head of the Admiralty, it seems, entertained a very different opinion of me, for he asserted that, although I came forward now, I had always stated that which was most disparaging and injurious to the officers and men of the Legion. This discrepancy between these two great authorities, I shall leave to the noble Lord and the learned Gentleman to settle among themselves; but it is rather amusing, that birds of a feather do not always sing in the same tune. For my own part, as far as my recollection bears me out, I have always been ready to do full honour and justice to the valour and gallantry of the officers and men of the Legion, while I deplored the mismanagement through which their services and exertions were lost. If, however, the observations of the learned Gentleman were to be considered in the light of a compliment to me, I must say, that I cannot but feel, that it came from one who once aimed the greatest blow at my humble political character—a blow which, though I might forgive, I never can forget, recollecting, too, that it appeared as a compliment paid to me for the purpose of aiming a greater blow against a noble Lord who, though once belonging to the party to which I am opposed, has since ranged himself on the side of the Conservatives. Considering, therefore, the object and the nature of the compliment, I must declare, that to my feelings such praise is dispraise, and such encomium amounts to disapprobation.

I shall now, my Lords, proceed to the discussion of the general subject which I am desirous of submitting to your Lordships' deliberation, and as far as may be possible, I shall endeavour to divide the observations which I may have to make under three heads, viz., 1st, The general policy and conduct of her Majesty's Ministers with regard to Spain; 2ndly, The military conduct of the war, in which I shall refer to the documents, I might truly say, the unfortunate documents which I hold in my hand; and 3rdly, I shall endeavour to urge her Majesty's Government to some explanation as to what course they mean to pursue in future with respect to the war. Having accomplished this task, it is my intention to move for certain papers, which, if granted, I hope, at some future day, upon the evidence which I trust will then be before the House, to be able to bring this question to a decided verdict and resolution of your Lordships; because, connected as it is with the best interests of our country—with the national character—with the honour of the brave men who have been engaged in the service (many of whom once fought under far different banners), and who, after having been ill-used by the Government of Spain, are still worse treated by their own Government at home, I feel imperiously called upon to persevere.

This affair ought not, and must not be passed over with indifference. We cannot consistently allow the noble Viscount to remain in the tranquil position which he at present enjoys. He now has the power, and shortly will have the opportunity of exercising it, of dispensing widely the favours of the Sovereign, at this auspicious period. All this is very fine—but, fine as it is, let your Lordships and the country see whether his foreign policy has been such as to entitle him to that confidence which enables him to dispense those favours which, under the direction of her Majesty, he will shortly be called upon to bestow.

The first question respecting the policy adopted towards Spain, began to be agitated about four years and a half ago, and it arose out of the Quadruple Treaty, that treaty which afterwards became the basis of our interference, and, in the first instance, was arranged by the Marquess de Miraflores and the noble Lord at the head of the Foreign Department. Shortly after the negotiation and exchange of signatures, unforeseen difficulties arose in the execution, when one of the most able and experienced diplomatists of the age being at hand, availed himself of the opportunity of adroitly directing the negotiations. As that diplomatist is now no more, I can speak of him as he deserved. "The Evil that men do, liveth after them: the Good is oft interred with their bones." In the present case the Treaty (the Evil) still exists which that diplomatist so managed, by the additional articles, that Great Britain was soon found to be carrying on the war in connexion with Spain and Portugal, whilst France was quietly permitted to back herself out of the transaction, when it suited her policy and interests. France was, by the part which England then took and by the loose nature of the arrangements, placed in a most advantageous position. She was in fact put *hors de la ligne*, and she afterwards availed herself fully of that position.

In support of this statement, I would refer your Lordships to the course which France thought proper to adopt last year. I would call attention to the speech delivered by the King of the French, which can scarcely have escaped your Lordships' recollection. That speech contained declarations, which I look upon as the most pointed towards England that ever came from any foreign power, and yet France is a nation with which we then were and still are in close alliance—an alliance of which we are continually boasting. It was by the head of the French nation that this language was used. I was not in England at the time that speech was delivered; but I own I felt ashamed, not of my country, but of the Government to whom our foreign policy was intrusted. We have done every thing for France—for her we have made the greatest sacrifices, and yet I firmly believe, that there has been more difficulty—more acerbity of expression—more unpleasantness in the correspondence between that country and England, than with any other power, and entirely arising out of this treaty and the agency of the Spanish question.

After this treaty had been entered into, the noble Duke behind me succeeded to office, and, with his usual foresight and firmness of principle, determined to act in strict conformity with its stipulations, whatever his opinions might be with regard to its merits. He viewed it as the law of the land and consequently binding upon him. But what else did he do? The noble Duke found, that the war was carried on in the most cruel and barbarous manner, and that no regular system of exchange for prisoners, as practised by civilized nations, had been established. This led to outrages which made Europe shudder. And did the noble Duke permit this state of things to continue? No. By establishing the Eliot Convention he put an end to so barbarous a mode of warfare—he produced an understanding between the exasperated belligerents, which was attended with the best results. The lives of prisoners were saved, and if the noble Viscount, on his resuming office, had followed the same plan and insisted on the observance of the articles stipulated in the Convention, humanity would have been spared many pangs—so much blood would not have been shed—so many atrocities would not have been committed; but no sooner had the noble Viscount and those who act with him succeeded to office, than the Convention was virtually abandoned, and fresh irritation caused by the unfortunate expedition got up in the Isle of Dogs, and encouraged by our Government.

Previous to this period, Don Carlos had acted up to the Eliot Convention and strictly fulfilled its stipulations. Both he and his generals were, in fact, desirous that the benefits of this humane arrangement should extend to the other provinces, in which they were opposed by the Christinos. All this good feeling—all this good understanding was destroyed—the moment it was announced that men were enlisting in our capital, to take an active part in a war in which we had no concern, and for the waging of which we had not received the slightest provocation. We plunged into the contest without stopping to inquire into the justice of our conduct, or the probable results of our interference.

It was, my Lords, a most injudicious and precipitate measure. We ought to have known Spain better. Perhaps the measure was adopted by the noble Viscount and his colleagues, in consequence of the influence of a Spanish officer of rank and talent, then in this country, with whom I have been long intimate, but who on this occasion, I regret to say, erred most egregiously—I mean General Alava, at the time, Spanish ambassador. He probably got round the noble Secretary for Foreign Affairs, and, aided by the crafty M. de Talleyrand, played his cards so well that he prevailed upon the Government to suspend a law of the land, which enabled him to enlist and place at the disposal of the Queen of Spain 10,000 British subjects, most of them out of employment and anxious to earn a livelihood. This act of interference was unwarrantable — it was sufficient to rouse the indignation of the people who were about to be assailed.

And what, my Lords, was the first consequence of British subjects being allowed—nay, even encouraged—to take part in the Spanish contest?* What did Don Carlos and the hardy Basques say, when they heard, that a legion was forming in London to land upon their shores? Why, they instantly declared that this act of interference was unjust, and that the noble Viscount opposite and his colleagues were the first to break the stipulations of the Eliot Convention, by allowing British subjects to become a belligerent party in the quarrel, an act of interference never contemplated when the Convention was negotiated. Let me remind your Lordships of what was then said, and repeatedly too, upon this subject in this very House. How strongly did not I myself call your Lordships' attention to it? How often did I not put the Ministers on their guard—how often did I not beg them to reflect upon the consequences?

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* "Many men actually went out under an impression that they were serving the cause of their own Government."—Vide Colonel Humfrey's book, page 12.

But, my Lords, I do not wish you to take my statement of the fact. Other noble Lords on this side of the House took part in the discussions upon this subject. May I be allowed to read to your Lordships what the noble Duke behind me said upon it, on the 18th of March, 1836, the same noble Duke who had himself, for the best of purposes, negociated the Convention, and whose word with England—nay, undoubtedly with Europe, would at any time command more respect than that of the noble Secretary for Foreign Affairs, and all his colleagues put together. These are the reported words of the noble Duke:—

> "But the noble Viscount placed himself and his Government in an awkward position, when he sent to Spain the body of English troops who are at present in that country. By that act, the noble Viscount commenced putting an end to the Convention with Don Carlos, which had so recently been concluded. It was evident, that the consequence of that act must be to weaken the influence which had with so much difficulty been acquired over the minds of that Prince and his counsellors. The troops in question were not included in the cartel, and it is also clear that in consequence the cartel cannot now be executed. If any clemency has been offered, then, to any of these troops, they are indebted for it solely to the humanity of that Prince, because they do not belong to the contracting armies. What the noble Viscount has done by sending a body of troops to Spain, is, to make his Majesty a party in the war in that country, and to lose all influence over Don Carlos, in other respects, as well as in humanizing the conduct of the war."

Nothing could be clearer — nothing more explicit—nothing more conclusive upon this subject than the words of the noble Duke which your Lordships have just heard. I have here given you, my Lords, what I consider, and what the country will consider, the highest authority in the land upon the Eliot Convention, as well as upon its violation. And now, let me ask, what followed this violation and the sending out of the Isle of Dogian expedition? Why, the Durango Decree. We have all, my Lords, heard enough of the horrors of this decree, and I am not now going to enter upon its defence. I lament, that it was issued, and more so that it was acted upon; but I must say, that in my opinion the noble Viscount was the main cause of its being issued, by authorising and encouraging a motley expedition from our shores. If that expedition had not been sent to Spain, we should never have heard anything of the Durango decree. This is evident from its very preamble and from the circumstances under which it was issued.

I recollect when I first submitted this subject to your Lordships, the noble Viscount opposite tried to put the question aside, with that same indifference with which he usually treats questions upon which he is not inclined to bestow particular attention. He appeared to think nothing of it. He even went so far as t declare, that he had received no official information of the decree. He did not even know, that it was in existence, and, when I asked the noble Viscount whether the officers and men of the legion were to have the benefits of the Eliot Convention, the noble Viscount sneeringly assured me that they were—that there was no doubt upon it. In another place a similar question was put to the noble Secretary for Foreign Affairs, who might be supposed to have more and better information on what was passing in Spain, than the noble Viscount, considering the multiplicity and attractions of the noble Viscount's numerous arrangements, and precisely the same answer was given. The men were then enlisting—not one had embarked, and such unhappily were the cheering assurances which they received from the highest quarters.

If Government had not sufficient information upon so important a subject—one that involved the lives of our countrymen, they ought never to have allowed such assurances to go forth. They ought never to have been so rash—they ought never to have taken so much responsibility upon themselves. The Legion suffered from this delusion, for the men, trusting to the foresight and information of Ministers, expected that the war would have been conducted in a manner similar to that in which those wars were conducted in which the noble Duke and his gallant army reaped so many laurels—in a manner practised by civilized nations. Many of the men enlisted in the legion had served in Spain, and totally unaware of the altered state of things, they expected to be treated in the war as heretofore. These men were therefore misled—some few became victims, for when they landed in the Basque provinces and were made prisoners, to their dismay they found that they were liable to the dreadful conditions of the Durango decree—that they could not have the advantages of a cartel.*

Was there ever any thing so rash and so improvident? Where was the information which all governments are supposed to possess? I regret the sad alternative; but where does the blame rest? I do not pretend to justify the Durango decree, as I before said. No one abhors the shedding of blood more than I do, but let us not conceal the circumstances in which the Basque provinces, inhabited by a jealous independent and indomitable race of men, having peculiar laws and peculiar prejudices of their own, were then placed. War was raging there of a domestic character, waged for local purposes—a war in which no foreigner had a right to interfere. At such a juncture the troops of the Legion land, and proceed to take part in the quarrel. They found that they were under liabilities long before denounced. So much for the interference of foreigners, and, if I mistake not, we ourselves have been obliged to have recourse to nearly a similar measure, for if the proclamations, issued by the governor in chief of the Canadas during the late rebellion, and by virtue of which some foreigners who took part in it have been tried and condemned, are duly examined, they will be found to fall very little short of the Durango decree.

The next point to which I beg to direct your Lordships' attention, and in particular that of the noble Viscount opposite, is the part which Colonel Wylde, a known employé of the Government, took in the reconstruction of the Legion, when the officers and the men of the old one had returned home, under circumstances well known to the country. What connection had her Majesty's Government with his proceedings? Under whose authority did the Commissioner act? In 1836, I recollect to have inquired of the noble Viscount opposite whether Colonel Wylde's proceedings were sanctioned by Government, and on that occasion the noble Viscount assured me that he had no authority from the British Government as regarded the Legion, but that the Government approved of the course of conduct which in this respect he had adopted and pursued on his own responsibility. I could not help thinking, that this was carrying delusion too far. A few evenings ago, when I presented to your Lordships' House a petition from the unpaid and suffering officers and men of the Legion, in which allusion was made to the part which Colonel Wylde had taken in the affair, and the connection which our Government had with him, as well as with the re-enlistment which took place under his immediate superintendence, some doubt was expressed by some noble Lords as to the correctness of the statements in that petition. The expression of that doubt produced a letter from the officer who made the statement to me, and who naturally felt his honour affected by the expression of a doubt as to the truth of his statement. The officer to whom I allude has, in the most circumstantial manner substantiated that statement, and his letter certainly affords strong proof that the men were led to suppose, that they would have the support of the British Government. One officer stated, that he would not have remained behind, if he had not thought, that after the re-enlistment his men would be guaranteed by the British Government and that every reliance could be placed upon the full satisfaction of their claims. This was a general conclusion, and I cannot help thinking, that the noble Viscount and his Government in this transaction have incurred a heavy responsibility. I shall now read the letter to which I have just referred.

"London, June 18, 1838.

"My Lord—Having been informed that on

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* The whole force enlisted amounted to 15,000 men, but there were never more than 8,000 bayonets at one time in the field. The cavalry was about 400.

the night of your presenting the petition relative to the British Auxiliary Legion one or two noble Lords challenged the correctness of certain statements I had made in a speech delivered by me at the Crown and Anchor, May 14—more particularly animadverting on my assertion that her Majesty's Ministers had exerted their personal influence to induce officers to join the Legion—I beg leave to inform your Lordship that I will not, and, indeed, with truth and justice, cannot, retract or explain away one iota of all the observations I made upon that occasion. Two of the most striking instances of the interference of ministers to induce officers and men to go out to Spain in the Legion, are presented by the following facts, well known to all who were connected with that force:—When Colonel Shaw, late commandant of the Artillery of the Legion, was first appointed to a commission as Lieutenant-Colonel, Captain Colquhoun, of the Royal Artillery, was Colonel, and it was arranged between those two officers that the latter should go out to Spain, and that the former should remain to organise the corps and forward stores, &c. from London. It was in contemplation at this time to purchase the discharges of about fifty men of the Royal Artillery, for the purpose of sending them out to Spain to assist in hastening the organisation of the artillery of the Legion.

"Mr. Carbonnell the Spanish agent, had a sum of money prepared for this object. The circumstance, however, came to the ears of his late Majesty King William the 4th., and he immediately put a stop to the transaction, declaring that his artillerymen should be used for no such purpose. His Majesty further directed that Captain Colquhoun should not be permitted to go out, and that Brevet-major Reid, of the Royal Engineers, who had already joined the Legion at Bilboa, should be immediately recalled. Colonel Shaw, was the bearer of a letter to Major Reid, then a Brigadier-general in the Legion, to this effect.

"Thus, my Lords, it appears these two officers were actually suffered to enter a foreign service without their King's consent. Soldiers of the Royal Artillery, under like circumstances, were about also to serve a foreign power. The latter object was at once abandoned, but his Majesty was, at length, persuaded to allow both Major Reid and Captain Colquhoun to remain in the Legion. Both these officers were placed on temporary half pay, and at the expiration of one year's service, all that his Majesty would permit, were restored to their former rank and stations in their respective corps. Captain Colquhoun, on his return to England, was made Brevet-major, and sent out to Spain again to command the detachment of the Royal Artillery there serving.

"Now, my Lord, the natural query is—who were the persons who evinced so great an anxiety to get these officers into the Legion, and whose influence was sufficiently powerful to overcome the doubts upon the measure, not to say repugnance, which pervaded the royal breast? When I say, that his Majesty's Ministers must, by virtue of their offices, have been deeply implicated in such an interference, I feel assured, that I shall be fully borne out in my assertion by every man of common sense and discrimination.

"The part that Colonel Wylde took in endeavouring to induce the officers and men of the Legion to re-enlist at the expiration of their two years' service, was indeed most remarkable. The words which I quoted, in my address at the public meeting, May 14, as having been made use of by him at St. Sebastian, were taken down at the time they were delivered, in a square formed of the men, under Brigadier-general O'Connell. Captain Roberts, of the 8th regiment; Captain Foster, of the 6th regiment; and several privates who were present, have assured me of the perfect correctness of that report; and Brigadier-general O'Connell himself, who commanded the parade, has stated to me, that, from the tenour and purport of Colonel Wylde's speech, he felt himself fully warranted in undertaking the arduous and responsible situation of commander of the new Legion; that his firm conviction was, that he would be strenuously and effectively supported in that capacity by the British Government—that is to say, that the British Government would see, that justice should be done to his men, and that good faith should be kept with them, or that he certainly would never have consented to have remained in the Queen of Spain's service.

"At more than one meeting of officers, held in St. Sebastian's, Colonel Wylde held similar language, tending to strengthen more and more the belief, that the new Legion was about to be formed, under the special protection and support of the British Government. The following statement, comprising some of that officer's expressions, has been forwarded to me, signed by Surgeon Crosse, of the artillery; Lieut. Shaw, of the same force; Captain Rea, 1st regiment; Lieut. Fryer, engineers; Mr. Atkinson, commissariat department; Captain Forster, 6th regiment; and Quartermaster Bradford, 3rd regiment, that at a meeting, held at St. Sebastian's, in the month of June, 1837, Colonel Wylde said, 'That he, as the representative of the British Government, was authorised to say, that his Government was well pleased with the services of the Legion, and that every exertion was being made to procure a settlement of the just claims of the officers and men, not only by the ministers in England, but also by their representative at the Court of Madrid, Sir George Villiers; that Sir George Villiers had written to him (Colonel Wylde) stating, that the house of O'Shea and Co. in Madrid, had contracted to pay, &c. the new force, and that he (Colonel Wylde) had no hesitation in promising that the British Government would see them paid, and that even to the smallest fraction.'

"At a subsequent meeting, that officer again declared, as a member of the royal commission, assembled to settle the accounts of the Legion, 'I can inform you, that your paymaster will be authorized to estimate for the net pay of the respective ranks you hold, until such time as the Spanish Government will be prepared to settle finally with the Legion.'

"My Lord, of all these fine speeches and verbal promises, the officers and soldiers of the Legion have been the miserable dupes. They have been regularly swindled. A swindler in common life is dragged before a court of justice, and punished. Now, my Lord, the question appears to me to be very simple. In this instance, is Colonel Wylde the swindler, or her Majesty's Government? Either the one party or the other is guilty, and whichever it be, the party offending should, most assuredly, be brought to account.

"Lord Melbourne, I understand, has affirmed, in his place in the House of Lords, that the Government has approved of all Colonel Wylde's acts. If such be the case—if Lord Melbourne still adheres to that declaration—and if steps are not immediately taken to redeem all the promises made by Colonel Wylde—I can only say, coolly and dispassionately, that her Majesty's ministers are accessories to as gross a piece of injustice as ever disgraced the transactions of modern statesmen, and that they are destitute even of that sense of honour which is sometimes found to supply the place of public virtue.—I have the honour to remain, my Lord, your obliged and obedient servant,

"CHARLES HENRY CHURCHILL,
"Late Colonel in the British Legion."

It is said, that a Commission has been appointed to inquire into the claims of the officers and men of the Legion, and the natural inference would be, that as soon as those claims are substantiated, the sufferers will be paid. Nothing, I fear, is further from the fact. Independent of a disposition to do justice, which every one must think is wanting, somewhere or other, the Commissioners to liquidate the accounts, as far as I have been able to learn, are not empowered to order payment, although they may be instructed to report upon them; nay, I verily believe that they are not provided with funds sufficient to take an office, and enter upon the business. What hopes then have the men of a settlement?

The Spanish Colonel, who was appointed with Colonel Wylde, to inquire into the claims of those who had served in the Legion, upon being asked by the paymaster of the 7th regiment if he had authority to pay them, said he had full authority to investigate their claims, but that he had no authority whatsoever to interfere in their payment. There is a degree of duplicity and want of common integrity in treating men thus, which is truly lamentable. Are men, who had been encouraged to go out to Spain, to be thus defrauded of their pay? Is Government to be satisfied with the mere sitting of the commission? I trust the men will not be thus neglected. What is the position of the noble Viscount opposite, with respect to Spain, at this moment? Has he not the means of obtaining for British subjects, who have sacrificed their all—who have risked their lives, and shed their blood for Spain, a just satisfaction of their claims? The noble Viscount has the Spanish Government completely in his power, by stopping the supplies of ammunition and stores, and will he not avail himself of this power to secure the rights of these ill-used men? Would the noble Duke near me have acted so? Would he have put off this subject from day to day? The soldiers of the Legion might perhaps be compared to the soldiers of Switzerland, but this would not justify the treatment which they have experienced. When Swiss soldiers have been employed, they have always received payment, but it was for British subjects to be deceived and rendered destitute, by want of faith on the part of those for whom they had made every sacrifice. The Government ought not to admit this; they ought to demand from Spain a categorical answer upon the subject, and bring it to a final decision.

The noble Viscount scarcely can say that he does not know how Spain is to discharge those claims. A memorandum has been drawn up by Colonel M'Dougall, and I believe submitted to the noble Viscount, showing how Spain might easily liquidate them. At present, the consumption of British manufactured cotton goods, which obtain admission in different ways, amounts to one million and a half annually, and if a port in Spain were appointed to receive those goods, an *ad valorem* import duty of thirty per cent. would produce a sum quite sufficient for the purpose. I am not a merchant, and am therefore the less capable of judging upon these matters, but if that suggestion could be acted upon, it is clear the sum might be readily obtained. I can assure your Lordships, that I shall persevere in urging the claims of these ill-treated men, as I before persevered in the case of the twenty-seven Carlist prisoners, whose liberation was, after many delays, at length obtained from the noble Viscount. I will continue, week after week, even at the risk of becoming tiresome to your Lordships, to seek for protection for these men. I call upon your Lordships to co-operate with me, for the sake of our character as a nation, in preventing the palpable injustice of inducing men to sacrifice everything in a cause—to leave their homes and risk their lives, and then to be refused the fulfilment of those promises, under the delusion of which they were induced to embark.

The atrocities which have attended this murderous and protracted war is the next topic upon which I shall enter, and for the length to which I shall feel myself compelled to go in my review of events connected with it, I again beseech your Lordships' indulgence. As the result of a motion by my noble Friend, the Earl of Aberdeen, the noble Viscount, some time ago, laid on the table certain documents as to the state of the war in Spain, but I should like to know what has been done since by Government, either to put an end to the war, or to humanize it in its progress. The noble Viscount had it in his power to do the latter, as much as he had to obtain payment for the men of the Legion. Why was the noble Lord, the Secretary for Foreign Affairs, so fond of Spain, that he would not insist on this object being accomplished? What has been the course pursued by ministers, session after session, for the last four years? In the speeches from the throne, words were put into the mouth of the Sovereign, holding out hopes that the war in Spain would soon be at an end; but how have these hopes been realized? I have already referred to four king's speeches, in which such hopes were held out; the last two certainly are less flattering than the preceding ones. The words used in the King's speech, on the 4th of February, 1836, were singularly emphatic. His Majesty was made then to say—

> "I have still to lament the continuance of the civil contest in the Northern provinces of Spain. The measures which I have taken, and the engagements into which I have entered, sufficiently prove my deep anxiety for its termination; and the prudent and vigorous conduct of the present Government of Spain, inspires me with the hope, that the authority of the Queen will soon be established in every part of her dominions, and that the Spanish nation, so long connected by friendship with Great Britain, will again enjoy the blessings of internal tranquillity and union."

Well, and have these confident hopes been fulfilled? Is not rather the contrary the fact? And is not the present state of Spain ten thousand times more complicated than it was then? Other speeches held out similar hopes, and have proved equally fallacious. The House was assured by Ministers that the Auxiliary Legion were to be included in Lord Eliot's Convention. Has this been the case? Where, then, is the fulfilment of all those assurances and predictions? In 1834, the Foreign Secretary said,—"He had great satisfaction in declaring, that the Quadruple Treaty had been negociated, and that he took his share in it with the greatest pride." On June 15th, I believe, the noble Viscount opposite avowed that the Order in Council was issued on the application of the Spanish Ambassador, and he also added, that the benefits of the Eliot Convention would be extended to the British Legion. On June 24th of the same year, the Duke of Wellington's opinion as to intervention was elicited, and upon it the Foreign Secretary, made a remarkable speech. On 2nd July, the noble Viscount gave an assurance, that the Auxiliary Legion would be included in the Eliot Convention. A decree of Don Carlos appeared, contradicting this assurance, and when I produced the decree, the noble Viscount denied its authenticity. Colonel Wylde was sent to the Carlist head quarters, to ascertain the fact, and when Don Carlos declared, that the auxiliary force were out of the pale of the Convention, then it was, that an order was issued by the Admiralty not to receive Don Carlos on board of any British ship of war. In 1836, the Secretary of State for the Foreign Department descanted on the "prudent and vigorous Government of Spain," and stated, that by the measures which had been pursued, it had produced union in three-fourths of the kingdom; and he further said, that at no distant period, the Queen's authority would be established in every part of her dominions. Where were the results of this *prudent* and *vigorous* government? Where was the fulfilment of the prediction regarding the establishment of the Queen's authority? The noble Viscount, about the same period, said,—"The language used in that speech, is not of an exaggerated nature, and I have every hope that a speedy and happy termination will be put to the Spanish contest by the means now in operation." The noble Viscount further added,—"There is no one, my Lords, so incurable as a prophet—the spirit of prediction is a most obstinate disease. I do not know if the noble Marquess (meaning myself) has any adequate reason for declaring, that our predictions will be falsified, but I have every reason to believe, that what I have said will turn out to be the fact."

Such was the language of the noble Viscount then, and it is for your Lordships to say, which of the predictions has come nearer to fulfilment. On February 16th, in the same year, the Secretary for Foreign Affairs said in another place,—"I do not shrink from my anticipations, and I beg to pin hon. Gentlemen to theirs. I beg that their declarations and prophecies upon this subject, may be borne in mind, and that their reputation for political sagacity may depend upon the result. For my part, I will abide the same test." In reply, I will only ask, what have we gained by the Order in Council? What was the language of the First Lord of the Admiralty at that period? He said, "I speak from information derived from better authorities than the noble Marquess can boast," and then he added:—"General Evans is likely to pursue that glorious and successful course which he has hitherto done." Let your Lordships judge from what has since occurred, who it was, that then spoke upon the most certain authority. In April, 1837, the noble Lord, the Chancellor of the Duchy of Lancaster, when speaking on the same subject, said:—"I certainly should be most unwilling to enter upon a prediction. I have never been betrayed into a prediction but once—then I was wrong; but with respect to Don Carlos, I may say thus much—that he is not now in as good a situation as formerly." So much with respect to predictions and accuracy of information. For my own part, I shall merely observe—May the Lord save us from those wise prophets. I hope your Lordships will not deem this a digression. I shall now endeavour to go through the remainder of the duty which has devolved upon me in a manner the least irksome possible.

I come next to a part of my task which requires the utmost delicacy. I approach this division of my subject with some difficulty, for it requires great caution to offer opinions upon military operations at which the person observing upon them was not present; but the statements which I am about to make will be taken from the writings, and be founded on the authority of officers who were present at the operations respecting which they wrote. There are various works and pamphlets written on the military operations in Spain, and of their contents I have endeavoured to make myself master; but it is a curious fact, that amongst all, there is not a single one which places the military proceedings of the Legion in a favourable light. In another place, even so great an authority as the Master General of the Ordnance most unaccountably stated, that,—"the expedition had not been an entire failure." That officer, I presume, spoke on his own view of the case, but I shall give your Lordships the views taken by men most intimate with General Evans, and familiar with the operations of the Legion. I shall only quote the authority of persons who were upon the spot. To them I shall appeal for an account of the achievements of the Legion, and when I have done this, I think I shall have a right to ask those who advised the giving away of certain military decorations, as rewards for services performed under a foreign flag, why officers of our own army—men of the highest military distinction, were overlooked. Why, I should like to know, are officers of this class kept in the back ground, when others who have no such claims and qualifications, are brought prominently forward? I should like to hear this preference accounted for. For my own part, I can only attribute it to the desire of ministers to conceal their own mismanagement—their own misconduct in the affairs of the Legion, if not in the whole transactions connected with their Spanish policy.

It is now time for me to notice, more in detail, the exploits of the Auxiliary Legion, a subject which cannot be contemplated without pain. The first affair in which the Legion was concerned, took place in January 1835, when its co-operation in the relief of Bilboa led to a skirmish, followed by a march to Vittoria, in which twenty-two days were expended.*

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* Vittoria is not above ten leagues from Bilboa. Gomez reached Biscay from Gibraltar, in twenty-one days, after traversing the greater

There, like the Legion, I will pause. I will not follow the unfortunate men into those hospitals and other haunts of wretchedness, in which so many of them perished. I will not allude to the want of clothing and food, or the defects of medical attendance. I will not complain of the inhospitality experienced, or revert to other disheartening incidents which occurred at Vittoria. I have General Evans's proclamation in my hand, issued on his arrival there. It is a curious paper, but even to that I shall not advert, but at once come to the operations of the campaign.

Early in January, a combined movement upon the Carlists was ordered, when General Evans issued a separate proclamation. The force employed, was estimated at 20,000 men, the centre commanded by Cordova, the right by Evans, and the left by Espartero. The Carlists occupied the heights on the Northern side of the plain of Vittoria, which were attacked on three points. The left and centre carried the positions attacked, but subsequently withdrew, without communicating this fact to the right. At the end of three days, General Evans, ascertaining the predicament in which he was placed, recrossed the Zodorra, and, after some skirmishing, in which one man was killed, and six wounded, regained his old cantonments. This was called the "Action of Arlaban," and for the signal service performed on this occasion, forty crosses were bestowed upon the Legion, which soon afterwards returned to St. Sebastian's.

The second affair in which the Legion was engaged, took place on the 5th May, when the Carlists were driven from their intrenchments in front of St. Sebastian's, principally through the unexpected arrival and aid of a British Steamer. The men and officers behaved with their usual gallantry—but the loss of life was enormous,* and the fate of the day decided by an incident which could not have been foreseen when the troops marched out. And, after all, for what was this sacrifice made? I answer, merely to obtain possession of a little more ground round St. Sebastian's, which, as regarded the issue of the contest, could be of no importance. This affair caused some sensation in England. There had been fighting—some hard work, and that appeared sufficient. These lines, my Lords, were gained, but what followed? Why! there the legend remained stationary, and their Spanish allies, either would not or could not, co-operate with them in such a manner as to take advantage of the new acquisition.

The opinion of the noble Duke behind me as to the results of this engagement is on record,* and that opinion I need not repeat. It is confirmed by eye witnesses, in letters and in works now in general circulation; but as opinions have been given elsewhere upon events connected with this war, by the Master General of the Ordnance, as well as by other military men, perhaps I may be allowed to read to your Lordships an extract from a letter upon the action of the 5th May, which I myself received from Colonel Claudius Shawe, of the Artillery, who was present. It also alludes to the attacks upon Fuentarrabia and Irun, to which I shall afterwards advert.

"The Legion had not altogether arrived there, when their General led them into action against the strongly fortified lines of the enemy on the 5th of May, 1836. When he went out in the morning he had from 1000, to 1,200 men at sea; had anything occurred to prevent the arrival of these men, the battle must have been lost. He had only two guns in the field, under an inexperienced officer, when, by waiting a few days, he might have had six guns, and tolerably well-drilled gunners, commanded by Colonel Colquhoun; he had not a single rocket in the field when he might have had hundreds; and last, though not least, his Britannic Majesty's steamer Phœnix had not arrived; for it was owing to the heavy gun which she carried, and which made a breach in the strong posts of Lugariz, that his troops were enabled to enter and turn the position which the Carlists had been employed for five months in fortifying. Had it not been for the interference of his Majesty's ship, on this occasion, the Legion must have been beaten, and for ever would it have been a slur and disgrace upon the name of Briton. But by the timely arrivals above mentioned the disgrace and utter ruin of the Legion was prevented, and the men, from that day, raised in their own estimation, and an *esprit de corps* was established amongst them. It is not my intention to enter into detail upon the General's incapacity and unfitness to command. In the first affair at Fuentarrabia, or in the affairs before Hernani, in

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part of the kingdom, with 4,000 infantry, and 900 cavalry, and baffling the efforts of 28,000 men, sent to oppose him.

* Colonel Humfrey acknowledges "eighty officers, and 800 men, killed and wounded."

* Vide Debates in the Lords, April 21, 1837.

August, 1835, or in that neighbourhood, from the 10th to the 16th of March, 1836, (or even in his successes) as it was only to the bravery of his men he owed the repulse of the attack of the 1st of October, or the taking of Hernani, in May, 1837, when there were few Carlists to oppose. The attack on Irun was another instance of good luck; for on the evening of the 18th his dispositions were so bad that a few battalions would have routed him, and his artillery must have fallen into their hands, as the labour then to bring them into position was so great that it would have been impossible to have withdrawn them. But here again his good fortune favoured him, and he took the town, and next day Fuentarrabia capitulated, so that on the few last days of the campaign the only advantage gained to the Queen of Spain was done by them, as they succeeded in getting two important frontier towns and cutting off from Don Carlos the important road to Tolosa."

I beg your Lordships to bear in mind that these statements do not originate with absentees, or with political enemies. What I have just read to your Lordships is the opinion of an eye-witness, and that opinion is confirmed by other officers who were equally upon the spot.

The next operation to which I shall advert, is the attack upon Fuentarrabia, which Colonel Humfrey describes in these words—" The affair was decidedly *manqué* and redounded much to the discredit of those concerned; but the troops most certainly were not to blame." And what does he afterwards say of the occupation of the Ametza heights by the Legion, which followed the failure on Fuentarrabia?* These, my Lords, are his words—" From this time the war seems to have slept, and we continued apparently undecided whether we were to pass the winter in our present position, or not."

Early in March, the troops assembled at St. Sebastian's amounted to 14,000 men and something important was naturally expected. General Evans addressed a proclamation to the Guipuscoans, announcing, his intention of advancing into their territory, with a powerful force, and on the 10th he moved forward for the purpose of taking Hernani. The adjacent positions were carried, when up comes the Infante Don Sebastian, with a large force, observes the scattered positions of the Anglo-Christinos, and resolves upon a flank movement. The attack was so formidable and so unexpected, that the Spaniards gave way; they were followed by others and, as Colonel Humfrey observes, "the whole of the left wing was routed, seized with a panic, and beyond the power of man to save from disorder."

We all know what must have then happened, if it had not been for the presence of the Royal Marines. The recital of such events, my Lords, is painful to me; but the truth cannot be concealed. I feel for the officers and men engaged in such an affair, and that your Lordships may correctly understand what their feelings at the time really were, I beg permission to read what Colonel Humfrey says upon the doings of the 16th March.

> " It was a day which a thousand years would not efface from our recollection. Mortification, rage, vexation—bitter, bitter, bitter annihilation to all our hopes, in the moment of fulfilment! And yet, when we thought of the masterly manner in which Villareal had seen at a glance how to act, (for we believe he was the adviser that day of Don Sebastian*) we could have adored him as a God, or a second Napoleon. Though we had been *annihilated* by him, he had done it in such a masterly style that we could have kissed the hand that chastised us.—It was some days ere people ventured to shew their faces again; and many a silent tear we have seen standing in the eyes of some of the spectators of that day's drama, as we recalled what had happened."

This movement, my Lords, might have been well planned; but, as it turned out, no reliance could be placed upon the previous combinations. It had been arranged that Sarsfield was to march forward from Pamplona, with a large force, and that Espartero should move up from the side of Bilboa with his whole column, while the troops from St. Sebastian's threatened Hernani. But, my Lords, unfortunately for the parties engaged, the snows, or something else, prevented Sarsfield from advancing; Espartero could not penetrate beyond Durango, and the Infante Don Sebastian, who a short time before had proceeded to the interior, to watch Sarsfield, aware of what was going on, suddenly returned, and the sequel I have just stated to your Lordships.

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* Fuentarrabia, the *Fons Rapida* of the Romans, is memorable for having withstood three sieges, viz. in 1466, 1542 and 1638, when the inhabitants behaved with the greatest gallantry. In 1794, it was taken by the French, after a bombardment of six days, and the principal fortifications destroyed. From that period, Fuentarrabia ceased to be a fortress.

* In this the author is mistaken. General Moreno was the adviser of this movement.

Anticipating the movements of three corps, assembled on distant points, one would have thought that, before operations commenced, some plan ought to have been adopted to secure the communications and, in order to guard against contingencies, that the season of the year would also have been taken into account. If precautions were used, the result shews, that they did not succeed, and that General Evans moved forward, with 10,000 men, to occupy a position which he could not hold with less than 30,000. That I may not be charged with injustice in my view of this affair, I beg your Lordships to bear in mind that General Evans, in his own general order of the 19th (March) acknowledges that he "deemed it expedient to fall back on his former position, and that the fruits of the victory of the preceding day were lost." In his general order of the 21st, alluding to the same action, he says that " the troops on the extreme left retired in disorder."

Every effort was now made to repair the losses occasioned by the Hernani disaster. New plans were laid and Espartero came by sea from Bilboa to St. Sebastian's, with 18,000 men, and assumed the command. By the end of April, a formidable force was ready for active operations, when the positions lost on the 16th March were retaken, with little resistance, the Carlist army having, in the interval, proceeded towards Catalonia. The garrison evacuated Hernani and the Anglo-Christinos entered. Orders were next given to take Irun, and it was attacked by 12,000 men. Colonel Humfrey bears testimony to the gallant manner in which the garrison defended that place, and when their last strong hold was about to be forced, 400 men capitulated. The Anglo Christinos next established a line along the Madrid road, from Irun to Hernani. Such were the principal operations of the Auxiliary Legion.

The time for disbanding the Legion had now arrived. The greater part of the men returned to St. Sebastian's, and, after long delays, were sent home. A small legion was next formed out of the officers and men who could be prevailed upon still to trust to the honesty of the Madrid government, and the command was given to General O'Connell. While the latter and Colonel Wylde were in Madrid, pressing for money, the new legion was led forth and captured Andoain; but mark the sequel, my Lords. I will state it to your Lordships in Colonel Humfrey's own words—" About 250 British officers and soldiers, being surrounded and compelled to surrender in the church, were basely abandoned by their Spanish allies." Most of these unfortunate beings were unhappily put to the sword.*

I think I have now told your Lordships enough of the exploits of the Auxiliary Legion, old and new, and can the noble Viscount, or any of his colleagues, produce a single work—a single memoir, founded upon ocular testimony, to gainsay any of my statements? I have been long, and to many of your Lordships, I fear tedious; but I was anxious to state these particulars to your Lordships, as many may not have watched the occurrences to which they refer with the same interest as professional men are in the habit of doing. And now let me ask your Lordships, what are the advantages, military or political, resulting from the efforts and sacrifices of the Auxiliary Legion? What has our interference done for the cause, in the interests of which that Legion was embarked? What has become of the old and new legion? I answer, that numbers of the men have been seen, and still are seen, begging in our streets, defrauded of their just demands, and deserted by those who decoyed them from their homes.

Again, my Lords, what must military men think, when they see officers, returning from such a service, rewarded with honours such as are reserved only for signal deeds performed in our own service? What must the public think, when they find officers of this class distinguished in a manner contrary to the rules of our own service? It is notorious, that no British officer, unless he holds the rank of Major-General, can aspire to the honours conferred upon the late commander of the

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* Upon this affair, Colonel Humfrey adds —" They (the officers and men of the Legion) could not dig—to beg they were ashamed! So they remained and fought again at Andoain, and were again betrayed, abandoned by their dastardly allies, and butchered after having been forced to capitulate, having defended themselves to the last cartridge, a whole day and night, to give O'Connell time to rescue them! England, where is thy ancient spirit fled? To what a pass has *expediency* reduced you?

Auxiliary Legion. When British officers see one, fresh from a foreign service, put over the heads of sixty in our army list, have they not a right to know what service has been performed, to merit so extraordinary a preference? In ordinary cases, when honours are conferred, the name of the individual who obtains them, is recorded in the Gazette, with a statement of the special reasons why those honours were so conferred? And was this done in the case in question; or can any one name the exploit for which General Evans was decorated?

The noble Viscount also selected a civil employé to share in those distinctions which he had it in his power to bestow. That gentleman, I make no doubt, is a great diplomatist—a most useful person perhaps; but, let me ask, what commercial, or other advantages has he obtained for us in return for our alliance, or to entitle him to a reward of merit? The only memorable thing I recollect him to have done in Madrid, is, that he once addressed a dinner speech to a mixed assembly, in which he exultingly foretold that liberty was about to triumph in the Peninsula, and that the despotic powers of the East would soon find there was an alliance, now formed in the West, capable of rousing the energies of the free nations composing it. These prophecies drew forth plaudits from the admiring parties assembled round the festive board;* but have they been realized? I think the noble Viscount opposite will recollect that speech, because it was animadverted upon by the noble Duke behind me, as well as by other noble Lords.

I feel it impossible, my Lords, to pursue this subject through all its bearings. I should engross too much of your Lordships' time; but I was extremely desirous of establishing the positions which I have, from time to time, advanced in your Lordships' house, upon this protracted and unfortunate contest, by referring to competent authorities, such as are entitled to credit. This is the only way of deciding which side of the House has so far been right upon this important question. After so many promises and professions—after all the hopes and expectations, expressed by her Majesty's Ministers, and so many schemes of conquest and dreams of glory on the part of those to whom the direction of the affairs of the Legion was intrusted, some one, or other, must have been wrong —egregiously wrong in his calculations. Where the blame rests, others may think as they like; but, for my own part, I charge Ministers with never having understood the Spanish question from beginning to end. Events have proved, that their information upon it has been all along defective.

Before I sit down, there is, however, one point more to which I beg your Lordships' permission to advert. I am not inclined to indulge in prophecies—I prefer facts; but the noble Baron opposite (Holland), I recollect, not long ago expressed it as his opinion, that Don Carlos is not now in a better situation than he was before. In reply, I must say, that I entertain a very different opinion. I have carefully watched passing events, and studied the results. I have endeavoured to provide myself with the best information I could, and according to the returns which I hold in my hand, (and if the noble Baron has more accurate information, I should be glad to see it produced) the Carlist forces, operating in the various provinces, now exceed 136,000 men, principally armed with muskets, wrested from their enemies hands—muskets originally supplied from our dépôts, a service which unknowingly Ministers have rendered to that cause to which they were opposed.

Now, your Lordships will recollect, that when the Spanish question was first agitated in this House, the greatest total force then allowed to Don Carlos was about 30 or 35,000 men. Some noble Lords would not grant him so many, and yet besides defeating three armies sent against him, he has made an end of two foreign legions, and a third one thought it expedient to withdraw. Several expeditions have also gone forth, some of them to the other extremity of Spain, and a complete system of opposition has also been organized in Catalonia, Valencia, and Lower Aragon. Don Carlos himself last year was actually near the gates of Madrid.

And does not this show, that the position of Don Carlos is bettered? He has now a total force, equal, I have reason to believe, to the one just named, a large proportion of which is composed of deserters from his enemies ranks, and, as far as it is possible to judge from the desultory movements constantly taking place, that force is distributed in this manner.

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* This dinner took place at the end of Feb. 1837.

Navarre and Basque Provinces	63,500
Castilians employed in expeditions	12,000
Valencia and Lower Aragon	26,000
Catalonia	18,000
La Mancha and Toledo	5,150
Galicia	2,400
Estremadura	2,600
Andalusia	2,800
Two Castiles and Leon	4,200
Total	136,650

And does not the noble Baron think, that these are symptoms of improvement? What, then, have we gained by our interference? I will tell your Lordships. We have exasperated one party, and disappointed the other, for it is a fact that the Christinos are not grateful for our services. They imagine that we have not done enough. In their hearts, they dislike our interference, and only accepted it because they could not help themselves.

I do not pretend to anticipate what will be the issue of the contest, the contending parties are so nearly balanced, but I do say, that the result of our experiment being such as I have described to your Lordships, in God's name let us withdraw from the contest, and involve ourselves no further in disgrace. The responsibility of what is going on, chiefly rests upon us. We are feeding a war which we cannot terminate, by such means, at least, as those which we have adopted. The whole history of our intervention, whether we trace it in the deeds of the Legion, or in our diplomatic transactions, exhibits weakness, ignorance, and I must add, wickedness. Spain is a chaos, out of which it has been found impossible to establish any thing like order. Leave, then, the natives to settle their own quarrels—let both parties have fair play.

But, if our errors in a military point of view are disgraceful, what, I will ask the noble Viscount opposite, have we gained by upholding changes in the institutions of Spain, for which the inhabitants are not prepared — for which they have no relish? Yes, my Lords, what have her Majesty's Ministers achieved by their liberal policy? Let us look at home. Has not that which we encouraged in Spain recoiled upon us in Canada? Has not our interference in the quarrels of the Peninsula stimulated others to interfere in ours? In Canada, the flame of rebellion burst forth, and would have been easily extinguished, if it had not been fanned and fed by foreigners. To such a pitch did that rebellion rise, that Ministers were obliged to suspend the Canadian constitution, and amidst their difficulties, to appeal to the political wisdom of a right hon. Baronet, in the other House, to relieve them from the consequences of their own misconduct. While we pursued an *ignis fatuus* in Spain, the affairs of Canada were left totally neglected.

Such have been the fruits of our interference—our single-handed interference, for France has not meddled in the Spanish contest as we have done. No,—while we persisted in our career of folly and extravagance, she looked after more substantial objects. She consulted her national interests—she aimed at the aggrandizement of her commerce. Feeling the want of colonies, she turned her attention to Algiers, and the moment being propitious, took possession of that important position, in spite of former remonstrances of a noble Earl at the head of the Foreign Department. Her Majesty's Ministers may deem this just and proper, the consequences may not disturb their slumbers, they may be satisfied with their own plans; but it is to be hoped, that the noble Viscount will lay aside his indifference, and tell the country how far the French are to push their conquests in Africa.

I have now to thank your Lordships for the patience with which you have listened to my statements. Notwithstanding the apathy which prevails upon Spanish affairs, I feel that this subject daily becomes more serious and critical. Before us we have a gulf—a frightful gulf that widens and deepens upon us the further we proceed. Let us therefore turn from it. We are engaged in an enterprise which cannot succeed. Every occurrence, whether in Madrid, or at the seat of war, shows that the Christinos cannot put down the Carlists, and even if they could, it is questionable whether they could govern Spain.

I shall now conclude, by moving for the papers of which I have given notice. If I obtain them, I shall in all probability feel myself again called upon to bring this subject before your Lordships, in a more specific form. I am fully aware, that I have not performed my task in a manner as satisfactory as I could have wished; but, besides the extent and variety of the topics upon which I have been obliged to enter, for the few last days my mind has been much perplexed, and under considerable private anxiety, which has prevented me from giving that previous attention to my labours of the evening as I otherwise should have done.* I therefore throw myself upon your Lordships' indulgence.

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* His Lordship alluded to a duel in which his son had been engaged with M. de Melcy.

"That a humble address be presented to her Majesty, that she will order to be laid before this House an estimate of all sums paid, or to be paid, by any British authority on account of, or for the use of, her Majesty, the Queen of Spain since the signature of the quadruple treaty. 2. An account of all the arms, naval and military, horses, provisions, or other supplies, furnished by any public department, or supplied from her Majesty's ships serving on the coast of Spain, or elsewhere, for the use of the forces of the Queen of Spain, or of the British Auxiliary Legion, since the signature of the said treaty, together with an account of the value of the same. 3. An account and estimate of all supplies made to vessels of war belonging to the government of Spain, and the amount of all the expenses for refitting or repairing Spanish vessels in our ports. 4. An account of the number of marines, marine artillery, engineers, and seamen of her Majesty's services, that have been employed in the Basque provinces, and the extra expenses thereby incurred to the country since the signature of the quadruple treaty. Also, the commissariat stores and provisions landed from her Majesty's ships for the supply of the above troops, and the amount thereof. 5. A return of the particulars and amount of the pay and claims, owing, and in arrear, from the Spanish government to the officers, being British subjects, of the Auxiliary Legion as far as is known to the Government. 6. Copies or extracts of all correspondence relative to their pay and demands, which have passed between the officers of the Legion and her Majesty's Government. 7. Copies of extracts of the original contracts or engagements entered into by the government of Spain, or through their ambassador, with any of her Majesty's Ministers or officers in command, or in her Majesty's service, respecting any engagements of British subjects serving under any order in council. 8. Copies or extracts of General Alava's letter praying a special order to raise in the United Kingdom a body of 10,000 men, and Lord Palmerston's letter dated June 11, 1835, stating, that it was the intention of his Majesty's Government to give every encouragement to halfpay officers to avail themselves of the permission granted to his Majesty's subjects. 9. Copies or extracts of any correspondence between the Foreign-office and Colonel Wylde relating to the re-organization of the late British Auxiliary Legion. 10. Copies or extracts of any correspondence relating to the payment for supplies, to her Majesty's Government, from that of the Queen of Spain, with any statement of any sums or securities received. 11. Copies or extracts of all remonstrances and applications made to the Queen of Spain's Government regarding the war (since the last papers presented to the House), and showing to any, and what further steps had been taken to promote the observance of the Eliot Convention. 12. And, lastly, (and to this part he had intended to call attention, but it had escaped him), for copies or extracts of any late communication between the Admiralty and Lord John Hay relative to promising the interference of the Government in the Basque provinces."

Viscount *Melbourne* said, with respect to the motion with which the noble Lord has concluded, I shall begin by referring to it, and I have certainly no objection to the production of the greater part of the information for which he has moved. There are parts of the address which it is so obvious ought not to be complied with, that I am sure I shall have to do nothing more than to name them, in order to prove to the noble Lord and to the House, that an order cannot be made respecting them. The fourth resolution calls for "An account of the number of marines, marine artillery, engineers, and seamen of her Majesty's services, that have been employed in the Basque provinces, and the extra expenses thereby incurred to the country since the signature of the Quadruple Treaty. Also the commissariat stores and provisions landed from her Majesty's ships for the supply of the above troops, and the amount thereof." It is evidently improper to call for the numbers and distribution of a force, the operations of which are still in progress. The noble Lord next asks for "a return of the particulars and amount of the pay and claims owing and in arrear from the Spanish government to the officers, being British subjects, of the Auxiliary Legion, as far as is known to the Government." Now, that is an account between the officers in the employment of a foreign power and that foreign power, relating to the demands which they have on that government, and her Majesty's Ministers not being in possession of it, of course it cannot be given. "And, lastly, for copies or extracts of any late communication between the Admiralty and Lord John Hay relative to promising the interference of the Government in the Basque provinces." I don't say, that any paper of that sort has been issued; but if it has, it relates to a matter at present pending, and certainly could not be produced without proving prejudicial and injurious to the public service. But in acceding to the production of those papers, I beg leave to say, that I do not mean to express the slightest [illegible] with any part of the speech with which the noble Lord has prefaced his motion. In fact the motion did not at all require so long a speech to support it, and the information which it asked might be very properly given to the House or the public without reference to any of the general arguments which the noble Lord has adduced; and as the speech forms a very unnecessary preliminary to the motion for these papers, so the motion for papers is a very lame and impotent conclusion to the speech of the noble Lord, because, if all his observations on the conduct of her majesty's Government be correct—if that conduct has been so base and perfidious—if it has presented such a tissue and compound of fraud and treachery—if it has forfeited all claim to the approbation of the country, hazarded so many evil consequences, and produced so much injury to the public character and general relations of England, unquestionably the noble Lord ought to have followed up his speech by a motion of a stronger character, namely, for the removal of an Administration on account of incapacity and weakness, which, according to the noble Lord's statement, had so betrayed the honour, the welfare, and the safety, of the country. But, my Lords, I really feel myself relieved from going into a great deal of the general reasoning of the noble Lord with regard to the proceedings taken towards Spain, and the policy in which the war originated. The noble Lord began by making a strong and bold statement of the motives by which he was actuated in bringing forward this motion. He said, "I wish to give the Government an opportunity of supplying us with an account of the conduct which they have pursued, which they are pursuing, and which they mean hereafter to pursue: in fact, the origin and ground of my motion is, that Ministers should give us an account of their stewardship;" but in the course of his speech the real motive of the noble Lord sprung out, for he declared, that the only reason of his speaking, not at such length, but at all, was to enforce the claims which the officers of the Legion had put into his hands, and that that was the principal object of his motion. It is evident, if that is the object which he has now in view, that the quadruple treaty, the suspension of the order in council, the enlistment, all the evils, all the misfortunes, all the disgraces, and all the defeats arising out of the Spanish war, are, in his mind, of subordinate importance to the great object of compelling the Spanish Government to discharge the arrears of pay and allowance due to the officers of the Legion. That subject the noble Lord has told us he will never leave till he accomplishes, and that he will do so as certainly as he effected the liberation of the twenty-seven Carlist prisoners sent off to Porto Rico. I am justified, then, in assuming that it is to the accomplishment of that purpose his resolutions are directed. With respect to the general principles on which we acted in the Spanish war, the policy which was adopted was conceived to be best calculated to secure the independence of Spain, the continuance of peace, and the safety of Great Britain. I will not go back to the circumstances in which the war originated, to the death of Ferdinand, the will of Ferdinand, and the recognition of the Queen, up to which we are all agreed: at least in all the discussions on the subject I never heard that anybody condemned the recognition of the Queen. That event was followed by the quadruple treaty—by Don Carlos leaving Portugal, coming to England, and going to Spain when the war broke out in the Basque provinces. I must say, that when the war broke out the obvious policy of England struck us to be putting an end to the war, or concluding it as speedily as possible. I know very well, that there are different opinions on this question in Europe—that it is received not as a common case of disputed succession. I know very well that the great principles which divided Europe as to constitutional or arbitrary Governments must lead others to look at this subject in a different view from that in which I regard it, and that the differences in opinion which exist are to a certain degree irreconcileable, and must prevent that harmony and union in the proceedings of the different nations which might otherwise prevail; but I feel bound to say, from all the knowledge which I have of what is going on in Europe, as well as from the character of their sovereigns and ministers, that in every one of their cabinets there is a most anxious desire to preserve peace and to make all the sacrifices compatible with their particular interests and views in order to secure that object. I am perfectly aware that there were persons of great experience and discrimination who, though they were as anxious as we could be for a settlement of the affairs of Spain, thought that the course we pursued in recognizing a comparatively constitutional government would lead not to a final adjustment of the difficulties in that country, but to greater disturbances. But I was not of that opinion. I have great reliance on our plan for curing the present evil—for meeting the present difficulty; and I do think that, for the purpose of securing that object—for the purpose of securing the peace of Spain, whose interests must, in all probability, be wound up with Portugal, in whose welfare and connexion with Spain we were deeply concerned, we were bound to do everything in our power to terminate the hostilities which originated in the northern provinces of Spain. It was for that purpose that I, for one, adopted those measures, against some part of which I do not mean to say, that objections may not be urged, and which unquestionably have not been as speedily and immediately successful as a person might be naturally led to anticipate. But the noble Lord passed over this part of the subject with comparative lightness. It is true he read some opinions of ours as to the success of the Legion when embarking for Spain, and those which he read were certainly not very sanguine. And with respect to the passage quoted as mine I disclaim having ever said, that the sending out of the Legion would lead to the "immediate" pacification of Spain, or used any expression tantamount to that; but if the noble Lord means to say, that the war has gone on longer than we expected or hoped and wished when we proffered our assistance, and Don Carlos has found greater support and resources than we expected, and that the war has turned out to be a matter of more difficulty and endurance than we at first imagined, I am perfectly ready to admit that. It is impossible to deny it; but at the same time I do say, that the course we pursued had for its object to put a speedy termination to the war, that that was a wise and prudent object, and that it required and justified the sacrifices which we then made. These are the general grounds on which I have acted in this matter—these are the general objects we have had in view, and your Lordships are well aware of the means we have taken to secure them. The noble Lord told us, he was certain he should have to make a long speech, and he has unquestionably kept his word. The noble Lord has adverted to most of the proceedings of the war, and to most of the great events which have happened in the course of it, but he has gone through them in so desultory and unconnected a manner that I can hardly find one point on which to defend that conduct, so bitterly and severely impugned. The noble Lord adverted to the Durango decree, and said, that he could not justify it, as it was impossible that it could be justified. He says, that decree would not have been issued if we had not issued the order in council. That decree was directed against foreigners who came to Spain, and the noble Lord was possibly right in arguing that the Legion must be included in its operation. But that forms no justification for its having been issued, especially when it is recollected that it was not the act (as was the case with regard to similar practices enjoined on the side of the Queen) of officers, soldiers, or unauthorised persons acting contrary to the directions of the Government, and incurring by it their displeasure, but that the Durango decree was the act of the Government itself, claiming to rule, and sanctioning by its authority a mode of warfare of such unparalleled horror and atrocity that we know nothing like it in modern times. The noble Lord has also made an observation, on which I cannot help commenting, on some orders sent to Canada, which are like the Durango decree. What the noble Lord could allude to or mean by such an observation I know not; but when he states, that what I said in this House led the Legion to embark in the service of the Spanish Government under the conception that the Durango decree was not authentic, or that they would not be included in it, I must express the opinion, that it is impossible to suppose, considering the period at which they left this country for Spain, that the men of the Legion were in ignorance of the state of the war, of the Durango decree, or of the risks and dangers to which they must be exposed by joining that service. The noble Lord relied very much on what was done by Colonel Wylde on the reorganisation of the Legion. Undoubtedly Colonel Wylde took a part in the reorganisation of that body, but I can state most distinctly on the authority of that officer, that he did so entirely on his own responsibility; and that he stated, that he could not in any respect answer for the Government undertaking that the contracts then made should be fulfilled. The noble Lord, on a former occasion, pressed very much the appointment of a commission to consider the claims of the officers. The commission, however, is no sooner established and the persons who are to form it arrived, than the noble Lord expresses his extreme dissatisfaction with it, says it is of no use, and that it is without funds. Now, until that commission have ascertained the claims of these officers, the nonfulfilment of which, I admit, has placed them in a very distressing situation, and one which entitles them to great commiseration, I can say no more than that the Government will use its utmost good offices with that of Spain, in order to procure the satisfaction of those claims. I have seen the plans proposed for enabling the Government of Spain to fulfil the demands against it. These plans involve a great change in the financial system, and in the commercial system of that country; and no doubt they are founded in sound principles, no doubt they are right, and if they were to be adopted would lead to great benefit. But at the same time there is a difference between recommending a plan of this kind and forcing great changes of financial and commercial policy upon that Government. The noble Lord afterwards went into a long and minute account of the military operations of the past campaign, derived from a great many documents and papers. The noble Lord began this part of his speech by saying how imprudent it was, even for him, a general officer, to comment upon operations in the field of which he had not been a witness. Now, if the noble Lord feels this incompetency in his own case to comment upon these operations, I certainly feel, that I should not be justified in offering any opinion on the subject; and I certainly think, that it would have been better if the noble Lord, acting upon the principle which he laid down, had abstained from the observations which he has made with a view of depreciating the character and detracting from the merit of those who were engaged in these operations and those who commanded them. The noble Lord, amongst other things, read letters from officers in these forces severely commenting upon the conduct of their commanders. Now, as for any importance which should be attached to such authorities, I perfectly recollect, that when the noble Duke was engaged in those operations in Spain, of which but one opinion exists at the present day, the whole town teemed with letters from various parties condemning those very operations which the noble Duke was then conducting, and, therefore, I do not think, that any great stress should be laid upon testimony of this sort. I must again repeat, however, that I think the noble Lord would have done better in abstaining from those very severe comments in which he has indulged, and upon matters of which, according to his own doctrine, he is, under the circumstances, but ill qualified to judge. The noble Marquess has commented severely also upon the military honours which have been accorded to the officers engaged in this service, and the civil honours conferred upon the person who now represents her Majesty at Madrid. Now, I certainly consider those honours to be well and worthily bestowed; but, at the same time, that is not a matter in which I should urge my individual opinion; I leave it, therefore, to the public to decide upon that question. I do think, however, that the abilities and the career of both those Gentlemen, the one in a military, the other in a civil capacity, and the services they have both performed, are such as fully to entitle them to the honours which have been conferred upon them. I have now, my Lords, stated the general principles upon which I have acted, and the grounds and reasons for the advice which I have given to his late and to her present Majesty, in regard to the proceedings and operations in the Peninsula; I have adverted to all the points in the noble Lord's speech which appear to me to demand a reply or notice at the present moment, and I have stated, also, the course which

I intend to pursue with respect to the motion which the noble Lord has made.

Lord *Lyndhurst* hoped, that even at this period of the discussion, considering the importance of the subject, and the magnitude of the relations it involved, he should be pardoned for offering a few observations. He agreed entirely with the noble Marquess near him that the general question was one of deep interest, for every question must be one of deep interest that was connected with the character and reputation of the country. Various persons with whom he had spoken lately regarding the motion of the noble Marquess had told him that it was ill-judged, that the subject was past, and that there was no use in reviving it. He entertained a very different opinion on this subject. On former occasions, when this question was brought forward in the other House of Parliament and before their Lordships, they were asked to wait for the result of the operations proceeding; they were told, that they were too desponding, that they were misled; their apprehensions were answered by brilliant anticipations of the success of the policy of her Majesty's Government. Now that the catastrophe, if he might so characterise it, was past, they were in a situation calmly and deliberately to consider what the policy of her Majesty's Ministers had been, in order that they might be enabled to form something like a correct judgment of the manner in which the foreign policy of Britain would be hereafter conducted, if it were directed by the same men, and on the same principles. It was not a little amusing to advert to those predictions to which the noble Marquess had referred. The noble Viscount said, that they did not breathe a very sanguine anticipation of success. Scarcely so sanguine, indeed, he admitted, as those of the noble Lord, the Secretary for Foreign Affairs, in whose department the greater part of the business rested. At the time when these declarations were made, that noble Lord was even facetious; for he talked of Don Carlos being concealed in modest retirement amidst the mountains and caves of Biscay, and said he was desirous of pinning Opposition Members to their predictions of disaster, boasting that he desired to be tried by the same test, that he wished to await the result, that he would stake his reputation for political sagacity on the result of these measures. The noble Viscount had told him, that he himself was not very confident in his predictions. He admitted it. Though whether the fact should be ascribed to caution or indifference, he would not undertake to say; but certainly the noble Viscount did in substance state what the noble Marquess had represented, that he expected a speedy and successful issue to the measures then in operation. So general, in short, was this sanguine confidence among the Members of the Administration, that it had extended to a quarter which he should hardly have expected—the noble Earl at the head of the Admiralty. That noble Earl stated at the time in question, that he expected General Evans would go on in the same successful course he had hitherto pursued. The truth of that prediction was remarkable. At all events, it showed that the noble Earl did not share in that faculty supposed to be peculiar to the subjects of that part of the kingdom from which he came. For at the very time when he was stating in their Lordships' House his confidence that the career of General Evans would be one of triumphant success, that officer was retreating to St. Sebastian, from an unsuccessful attack on Fontarabia. The noble Baron too (Lord Holland) said, he had made no prediction. What was stated by the noble Marquess as having been spoken by him did not amount to a prediction; it was a statement of opinion made as to the existing state of things, with reference to past circumstances. But even the noble Baron was a party, at least he presumed so, to a prophetic act of her Majesty's Government, showing at least as much strength of confidence as anything they had said in that House. For so confident was the Government of the success of the military operations then going on—so certain that General Evans, in concert with the armies of the Queen of Spain, would speedily put down the bands of Don Carlos, and that he would become a fugitive and a vagabond—so satisfied and confident were they of his fall, that they thought it right to prepare for it. And, accordingly, what did they do? That to which, he had no doubt, the noble Baron was a party. They issued an order directing her Majesty's ships not to receive Don Carlos on board, in case he should seek protection under her Majesty's flag. The noble Baron, then, was also one of the prophets. Compare, then, the state of things at the present day with that which a short time since existed. At present Don Carlos was in possession of the greater part of the province of Upper Arragon, and of the whole of the extensive province of Catalonia. He wished that the noble Viscount, who was now at the head of foreign affairs, and who had ventured to stake his political reputation upon the success of the policy which he had pursued with respect to the civil war now raging in Spain, would contrast the state of things in that country at the time when he made that presumptuous boast, with the state of things there at the present moment at which he had the honour of addressing their Lordships. He, for one, had always condemned our intervention in the civil disputes of Spain. He had condemned it as unwise in itself, and as a measure not called for by British interests. He had condemned it the more strongly, because it had proceeded from a party which, during all the period of his early life, had been most vehement in its condemnation of any armed intervention by one country in the domestic affairs of another. He condemned it also as forming an example, which was likely at some future, and that no very distant period, to be turned against ourselves, and might prove eminently prejudicial to our own interests. Moreover, he condemned it on another ground—and that was, that if we were bound to interfere at all, it was due to the greatness of England and to the proud position which she occupied among the nations of the world, to intervene in a manner consistent with that position and with the glory in arms which she sustained for so many centuries. What, he would ask, was the alleged ground of our intervention? That we were endeavouring to establish the principles of constitutional liberty in Spain. On that ground it had been justified over and over again in both Houses of Parliament. And in what way were we supporting these principles of constitutional liberty? Why, by sending out a large body of troops to attack a people who had not injured us—to attack a people who were friendly to British interests and to British connexion—to attack a people whose institutions were as free as our own—to attack a people who, whenever their institutions had been assailed, had always fought and defended them successfully against all opposition. Nothing, depend upon it, was more illiberal than pretended liberalism. Freedom must be established according to its standard or not at all. It would bind men to institutions, instead of framing institutions to suit the habits and dispositions of men. Never, in the history of the world, was there to be found any policy more absurd, but at the same time more mischievous, than that on which he had just been commenting. The noble Viscount had also adverted to the treaty of quadruple alliance, as it was commonly called, and here he would avail himself of the opportunity to say a word or two on the principle on which that treaty had been defended in the other House of Parliament. It had there been openly avowed, that it was desirable to form an alliance of the Powers of the west, that was, of France and of England, and of constitutional Spain and of constitutional Portugal, for that was the phrase, to resist the mandates of the arbitrary Powers of the north. Never was policy so mischievously conceived before by the mind of man. He would not enter into any discussion of what would have been the results of that policy, had it been successful; for, fortunately for the peace of Europe, it had signally failed. He would not enter into any discussion of the policy of deserting all our old alliances which had been formed and fostered by our best and greatest statesmen, for the sake of supporting new-fangled theories. He would not enter into any description of the results which it might have produced in promoting a war of opinion—the most dangerous kind of war in which any country could be engaged. He would pass over all these considerations, and would come at once to the consideration of the utter failure of this policy as a system. Constitutional Spain and constitutional Portugal! Why, so far as foreign Powers were affected, and as the efficacy of the governments of constitutional Spain and constitutional Portugal were concerned, those two countries were blotted completely out of the map of Europe. And as to France, was there any man, knowing anything of the ambitious and aggrandizing character of the people of that nation, or knowing anything of the sagacious but selfish policy of the able monarch who now swayed its sceptre, who would suppose that France would pursue anything but her own aggrandizement, or that she would sacrifice one iota of her own interests to the fine-spun theories of the noble Viscount at the head of our foreign affairs? Then, again, as to the details of this very treaty, on which that noble Viscount plumed himself with so much self-satisfaction. They had been framed by the noble Viscount and a foreign noble diplomatist, to whom the noble marquess had so pointedly alluded. We were to supply arms to any extent which might be demanded by the government of Spain, and we were also to supply a naval force. Such was our obligation. But the obligation on the part of France was to do that which it was notorious to all who had watched her past policy that she never would do, as it would be injurious to the interests of her own subjects—namely, to blockade and cut off all communications between France and the Spanish frontiers and the Pyrenees. Had France performed that obligation? Their Lordships had heard it stated, and upon accurate calculations, that her conduct in that respect had been from beginning to end nothing more than one huge fallacy. What further obligation was there upon France? There was this obligation, that she was to do anything which she might be pleased to perform in fulfilment of the objects of the treaty, and that was to depend entirely on the will and opinion of the French government, and of no other party whatsoever. He had heard it stated in this country, and he had also heard the statement repeated abroad, that his noble Friend the Duke of Wellington had adopted the quadruple treaty when he was in office, and that by adopting it he had made himself responsible for its expediency and propriety. Nothing more absurd than such a notion was ever advanced by any self-styled politician. The noble Duke on taking office found that treaty in existence. It was the treaty of one country with another—it was the treaty of one sovereign with another. The noble Duke was therefore bound to carry its stipulations into execution, and he applied to that treaty the same principle which he had applied to all the great transactions with which his life of glory had been mixed up, for he had performed it, not to its letter merely, but to its very spirit. He had already stated that this country, after it had once determined to interfere in the affairs of Spain, ought, in his opinion, to have made its intervention of a very different character from that which it now unfortunately bore. Never was expedition so ill-judged as that which the noble Marquess had referred to. Without being himself a military man, he might be permitted to say, that such an expedition as that which her Majesty's Ministers had sent out to Spain required that the troops engaged in it should be in the highest state of military discipline. For every man who knew any thing of the country to which that expedition was sent, knew that the troops would be exposed to every kind of hardship and privation. Every man who knew anything of the usual conduct of the government of Spain knew, that no reliance could be placed on it for the regular supply of stores, of money, or even of rations. He was standing in the presence of military men, and he asked them whether, if troops were to be exposed to privations of this nature, it was possible for them to achieve any thing of importance, unless from their habits of military discipline they were able to resist all attempts at insubordination. He said this, he repeated, in the presence of military men of great experience, and if he were wrong in saying so, there were present those who could correct and contradict him. The operations of this force were also to be carried on in a country of great natural difficulty, in which every man they met was an enemy, and not merely an enemy, but a resolute, well-disciplined, and well-organized enemy—an enemy thoroughly acquainted with the nature of the country and forming upon that acquaintance its mode of warfare. Was he wrong, then, in saying that to insure success in such a contest, the troops ought to be in the very highest state of military discipline? Then again, the troops ought to have had at their head a general experienced in operations in the field, and long accustomed to military command. The same reasons which required that the troops should be in a state of high military discipline applied with equal force to the military experience and talent of their general. How, then, stood the fact in this particular case? He wished to say nothing in disparagement of this corps. He was surprised, and astonished at the military spirit, and courage and hardihood which it had displayed under so many, and such trying privations. He wished to say nothing in disparagement of their commander, Sir De

Lacy Evans. But he must say this—which was, indeed, notorious to the whole world—that the troops were sent out to Spain unformed and even undrilled, and that the officer selected as their commander had never before commanded a regiment—no, not even a company, in the field. Was it, then, possible to expect from a force so raised, and so commanded, any other issue than that which had actually taken place? And was it not scandalous in the Members of her Majesty's Government to support an expedition so commanded, identified, as it was, with the glory of our arms, and with the reputation of the country for warlike achievements? Did her Majesty's Government err unadvisedly? Quite the reverse; they were told in terms the most distinct, precise, and positive, that the expedition must, of necessity, fail, and the causes of its failure were clearly and briefly pointed out. And by whom? By a gallant officer of great bravery and experience who had long served in Spain—he meant Sir John Elley. That gallant veteran had, in his place in the House of Commons, pointed out, even before the expedition sailed, what the conduct of the Spanish Government would be towards the troops it was engaging as auxiliaries. Even then, "*si mens non læva fuisset*," Ministers might have abandoned the expedition, and have saved the country from the disgrace and disaster which afterwards attached to it. When they were talking of the way in which the expedition was managed, it appeared to him not to be unnatural that the noble and gallant Marquess should make those remarks on it, which had called forth so much comment and censure from the noble Viscount. He would not follow the noble Marquess through the remarks which he had made on the military operations of the Spanish forces, but would confine himself to touching shortly upon the first and the last of the military operations in which the British Legion was engaged. First, then, with regard to the movement from Vittoria to Arlaban. The troops marched in the night, the right wing being commanded by General Cordova, the centre by General Espartero, and the left wing by Sir De Lacy Evans. They were met by the Carlists in greater force than General Cordova expected, and he fell back in consequence upon Vittoria. He had always been given to understand, that one of the most essential points in the management of an army was to maintain the communications between the different corps of which it consisted. It was not till forty-eight hours after Cordova had effected his retreat that General Evans knew anything of it, so that he would have been cut off by the overwhelming force brought against him, had he not, almost by a miracle, contrived to place a river between himself and his pursuers. So much as to the first operation of the British Legion. Now, as to the last, or one among the last—he meant the affair at Hernani. Everybody knew what the cause of the failure there was. It was the wretched position of the troops under General Evans, of which Villareal, with great dexterity, and almost instinctively, availed himself, in a way that excited the admiration of the officers of her Majesty's forces, who witnessed the manœuvre. General Evans's left wing was turned, and then a total rout and discomfiture ensued. He recollected, that when this question was last under discussion in the other House of Parliament, the noble Viscount at the head of Foreign Affairs used this sort of argument. He had been much pressed by such facts as those which he (Lord Lyndhurst) had just stated, and the noble Viscount's observation in defence of the Government was, "We have done more in this way at a less expense to the country than we could have done had we pursued any other line of conduct." Such paltry, miserable, and peddling policy on the part of a great country he had never before heard of. ["*Hear.*"] The noble Baron (Lord Holland) cheered that observation, but he would repeat it, and say, that it was only a peddling, huxtering sort of policy, that could require or admit of such a paltry and miserable defence. The noble Marquess had been pleased to talk of the extent of the schemes entertained by her Majesty's Ministers with respect to the affairs of Spain, but he could not for his life understand how such a phrase could be applied to measures which were as petty in conception as they were insignificant in execution. He must now advert to another portion of this melancholy subject. General Evans returned from Spain to England some time in June last. The wreck of the Legion, which the sword, and disease, and famine had spared, remained for some time after his departure at St. Sebastian to be insulted by that very Government which it had so ably served. The survivors afterwards came home to England to excite the general commiseration of the country at the privations which they had suffered, and the wrongs which they had endured from the Government of Spain. That was not the way in which the troops of England were accustomed to return to their native shores from service in a foreign land. Their general, however, was rewarded, whilst their subordinate officers were treated by the Government with coldness, indifference, and neglect; ay, with coldness, indifference, and neglect hitherto unexampled. Give him leave to say, that when the subjects of this country were ill-used, insulted, and defrauded by the government of a foreign state, it was the duty of the British Government to see that redress was afforded to them. That was a principle laid down by every writer upon international law with whose works he was acquainted. The noble Viscount said, that he had used, and that he would use, the good offices of the British Government to obtain for the suffering officers and men the redress to which they were entitled. But one year had elapsed since the noble Viscount had made that speech, and yet these poor sufferers had not advanced one step nearer to the accomplishment of their object than they were at the time when he offered them the melancholy consolation of his good offices. There were cases in which a delay of justice was a denial of justice, and he was afraid that it was so here. Let their Lordships look at the conduct of other states with regard to their ill-treated subjects. Let them look especially to the conduct of France, and they would then see with what promptitude and vigour she interfered to obtain redress for her injured subjects. Their Lordships had seen several instances of that lately. He did not mean to say, that in some of them France had not gone too far; but, at any rate, it was clear, that she did not err on the score of negligence and supineness. He had intended, when he first commenced his address to their Lordships, to make a few remarks on our naval co-operation, but he had already trespassed at considerable length upon their indulgence, and he would not fatigue them by entering into a discussion on that subject at present. That our sailors had performed their duty with bravery, with skill, and with decision, he was not prepared to question; but he asserted, after reflecting upon the result of all their services, that what they had achieved now was not commensurate with the sacrifices they had made; and if it were true that an order had been issued by the Admiralty, commanding our cruisers on the east coast of Spain to attack any frigates arriving from Sardinia, and to prevent them, at all hazards, from landing stores and munitions of war in that country—and he challenged the noble Marquess opposite to contradict that rumour, if he could—then it was more owing to the good fortune than to the policy of the Government that we were not engaged already in a war the most extensive that could happen in Europe. Here let him ask the House to consider for whom and for what it was, that we were making this war. "We are making it," said the noble and learned Lord, "in favour of a people, who, in the name of liberty, have been guilty of more excesses and of more acts of rapine, assassination, and murder, than any other people has been guilty of since the days of the French Revolution. I am not now speaking of the unjustifiable murders of prisoners in cold blood—those enormities have unfortunately been committed by both the parties in this civil contest; but I am speaking of the horrible cruelties and atrocities which have been perpetrated with so much deliberate malignity in so many of the cities of Spain—witness the outrages which were perpetrated in the convents of Saragossa; witness the cold-blooded murders in the streets of Malaga; witness the massacres of prisoners held in confinement at Barcelona; witness the assassinations and murders which take place almost daily in the very capital, under the very eyes of the constitutional Government. And what are the principles for which we are so earnestly contending? First of all, they were the ever-shifting and ever-variable principles of M. Zea: then they were the more liberal principles of Martinez de la Rosa, which were to produce the instant regeneration of Spain; then, when the juntas of the different provinces sent up their armies to Madrid, and imposed Mendizabal and Calatrava as ministers upon the Queen of Spain, they were the principles of Mendizabal and Calatrava.—Yes, of Mendizabal and Calatrava. How long did these principles continue in vogue? But a very short time indeed; for they were succeeded by the *juste milieu* principles of M. Isturiz. And then came the military revolt of La Granja, under which the Cortes now assembled were convoked together. This is the people, this is the variable policy, these are the conflicting principles for which we are sacrificing the treasures, and I say it with sorrow, the glory of England. Am I wrong, then, in condemning such a policy? Of this, at any rate, I am sure, that it meets the general condemnation of the people of England."

The Earl of *Carnarvon* could not suffer this debate to pass without offering a very few observations to their Lordships. He was by no means surprised at the failure which had attended the interference of the British Government, and he thought that Ministers did not deserve to succeed in a project which was grounded on injustice and upon a breach of the first principles of the law of nations. With regard to the atrocities which had been committed in Spain, he must say, that he regretted extremely that mercy had not been extended, in all instances, to the captured soldiers of the Legion. But there was one point which ought to be noticed. Although the Carlists justly maintained that the prisoners of the Legion were not included within the limits of the convention, their Lordships should recollect this fact, that the Carlists were anxious to carry into effect the same object, by including all the belligerents in one general convention of mercy. This proposal was rejected by the Christino generals, and their rejection confirmed by the Government of Spain. Had our interference, then, had any beneficial influence in Spain? Had British influence been augmented by our operations in Spain? Had British interests been advanced by the course of policy pursued by her Majesty's Government? Did the noble Viscount conceive, that the people of the northern provinces of Spain, the most influential and energetic people of that country, would ever forget or forgive the miseries and the unprovoked oppression which had been wantonly inflicted upon them through the interference of this country? The noble Viscount said, that this was a question between constitutional and arbitrary government. [Viscount *Melbourne*: I did not say so.] He understood the noble Viscount to say, that the principle was embodied in the question. He must say, without meaning anything offensive, that, of all the questions which Ministers had entered upon since their accession to office, their Spanish policy had been the most discreditable and the most unpopular. Many of those who were the adherents of the noble Viscount, and the usual supporters of his Government in another place, admitted this. Their Lordships had heard a good deal of prophecies, and several passages had been quoted of a prophetic character, but he might truly say, that the prophecies of the failure of Don Carlos were interminable; need he add that all these predictions had utterly failed. Of all the passages that had been read, there was no one that had excited so much surprise, and, indeed, indignation, in his mind at the time when he read it, as a passage in his late Majesty's speech, lauding the prudent and vigorous government of Spain. These were the most unadvisable terms ever put into the mouth of a sovereign, for at the very time when they were made use of, scenes of the most horrible nature were daily exhibited in Spain, and scarcely one month had elapsed, when unfortunate prisoners were dragged from prison and butchered in the presence of the troops, who stood quietly by, while the authorities did not attempt to interfere. One of the professed objects of the policy of the government had been to knit together more closely and intimately the alliance between France and this country. He admitted, that this was an important object, but had the Ministers attained it? Why, every public journal in this country, of every shade of political opinion, had denounced the conduct of the king of the French, and, in the very last debate on this subject in the other House of Parliament, one of the most strenuous supporters of the present Government launched out into bitter invectives against the king of the French for the utter want of faith which he had shown with respect to the fulfilment of the terms of the Quadruple Treaty. The noble Viscount had alluded to the Durango decree; but had not that decree entirely arisen from the policy pursued by this country in sending out troops to Spain? That policy showed a disposition to wound without the power to strike. What had been the life and soul of the policy that had been pursued? The noble Viscount and the Members of his Government continually professed, that the object of their Government was to keep pace with the increasing civilization of the times. Why had not the noble

Viscount adhered to this principle in the case of the Legion? If this were the noble Viscount's object, he ought not to have encouraged men to enlist in a quarrel which was none of theirs, and by transferring their allegiance to another, thus to trade, as it were, in the blood and miseries of their fellow-creatures, and all this merely for the hope of obtaining larger pay. Surely, in giving encouragement to such proceedings, her Majesty's Government were running counter to the progress of civilization. He believed, that the noble Viscount had denied that the privileges claimed by the Basques existed. [Viscount *Melbourne* had not.] He rejoiced to hear the noble Viscount say so, because he felt convinced that the noble Viscount would endeavour to prevent the suppression of those privileges, privileges which involved every right that a freeman could enjoy. It was impossible to admit, that the Basques had those rights, and yet interfere to suppress them; and he was surprised that the noble Viscount, knowing of the existence of those privileges, allowed the naval force of this country to be employed in crushing them. What harm had the people of the Basque provinces ever done to this country that we should endeavour to extirpate them, as if they were wild beasts? He looked with awe and apprehension at the present state of Europe, as he did think this was a question upon which arbitrary government and unbounded licence, to a certain degree, stood arrayed against each other. He did not think that it would be for the interest of this country that a general collision should take place. It would not be for the interest of this country that either party should be exclusively predominant. He thought that they ought to endeavour to conciliate all parties, if possible; and he thought, that the situation of this country enabled them, in a great measure, to do so. He was sure that this was to be done, not by a league of the west against the north, but by reverting to the sound principle of non-intervention. It was only by adopting this course that he could see a safe passage out of the troubled sea that surrounded them.

The Marquess of *Lansdowne:* My Lords, although the discussion which has arisen is a discussion in which the foreign policy of her Majesty's Government is fortuitously and incidentally involved, it should be recollected by your Lordships that neither the noble Marquess nor the noble and learned Lord, who comes forward on this occasion, as he occasionally does from time to time, to insinuate censures against the Queen's Government, has put that censure in the form of a vote, upon which your Lordships opinions can be taken. It should be recollected, also, that years have elapsed since the Quadruple Treaty was concluded to which the noble and learned Lord attributes the most lamentable consequences. The noble and learned Lord, too, in that spirit of foresight which he claims for himself, should have given the House the benefit of it, by proposing at the time to condemn the treaty of which he knew the mischief and could foretell the consequences, and foretell them to a much greater extent than he is able to substantiate them; for I appeal to your Lordships who heard the statement of the noble and learned Lord, whether you would not have supposed, that the noble and learned Lord was speaking at a moment when some dire catastrophe—for the noble and learned Lord used the words—had befallen the councils of the Queen of Spain. [Lord *Lyndhurst:* I never used the word.] My attention was particularly called to the word catastrophe. I certainly did not hear that word, but the word "catastrophe" was used. [Lord *Lyndhurst:* I used the word at the outset of my speech as denoting a termination in the classical sense of the word.] I accept the explanation. The noble Marquess went on to say, that what the noble and learned Lord said was, that the failure of the expedition—and fortunately the noble and learned Lord did not confine himself to a general statement, but went into evidence, from the manner of the noble and learned Lord's disposing of which, any one would have really supposed that something had happened decisive of the fate of the contest—that there was no chance left for the Christinos and the Queen, and that Don Carlos was triumphant every where, that not only had he descended into the plain, as the noble and learned Lord had told them, but that he had never returned again to his refuge in the mountains out of which he came; and then the noble and learned Lord, who had commented so severely upon prophecies, told them, that one of the facts on which he grounded his sweeping censure, and his declaration of the failure of the policy of the Queen's ministers and of the Queen's cause in Spain, was, that at this moment the Carlists were in possession of Upper Arragon. Would the noble and learned Lord state a single place of which Don Carlos was in possession, and which was of any consideration. And yet the noble and learned Lord had stated, that Don Carlos was in possession of the whole of Upper Arragon. The noble Earl (Carnarvon) had devoted himself to the study of the war of Spain—he had even published maps—but he was not aware of the manner in which the noble and learned Lord had profited by his absence from legal pursuits to inform himself upon this question. It appeared to him, that Don Carlos was not at this moment in possession of any but one insignificant place in the whole province of which the noble and learned Lord had told them he was in possession, founding upon that declaration of fact, the deduction of the failure of the policy of the Queen's Ministers. He would repeat again, that the Carlists were in possession of but one small town in Upper Arragon, called Morillos, and there was not a single considerable place in the province of which they held undisputed possession. What was the case with regard to the other provinces? How many of the great towns and municipalities of Spain were under the control of, and in connection with, the Carlists? The noble and learned Lord said, he considered, that there was a termination of the contest, for he had a right to adopt the noble and learned Lord's words. Now, if there was to be a termination of the contest it must surely terminate against the Carlists, as all the towns and municipalities were in the possession of the Christinos; and yet he would not have ventured to call this a termination on their side, although he might show, that province after province, and town after town, had come into the possession of the Christino party. He admitted, that the Queen of Spain had not undisputed control over all her dominions, and he lamented, that the war had been so protracted; but if he were asked on what side the people of Spain had declared themselves, judging that public opinion emanated in the way they found it to emanate in this country, if the towns were to be taken as the organs of that opinion, he would ask, was there any man that would dispute the fact, that public opinion had declared itself in favour of the cause of the Queen of Spain. It was unquestionably true, that the war had been protracted in those provinces of the north in a way that wars had been frequently protracted before in Spain, and they knew from history what the difficulties in that country were against bringing a war to a termination, in a country where such differences of opinions and races existed in the different provinces, and where there was, consequently, so much difficulty in producing a union of action in any one course. But every attempt made by the Carlists, every thing that could be considered as an expedition, had broken down partially, or else was a decided failure. He perceived, that the noble and learned Lord, and those who wished ill to the Queen's cause in Spain, were extremely disposed to blame and censure the British Legion and its operations in Spain; and he could not but think that there was a good deal of merit in the Legion, and that it had had a considerable effect in damaging the cause of the Carlists, when he found it subjected to incessant attack, not to say reproach. The Legion had been the subject of repeated comments in that House and in the other House of Parliament. Undoubtedly he had been a party to the policy which permitted the Legion to go to Spain; and, acting upon the same policy from time to time, and under certain circumstances, not at one period only, but at all periods, and those some of the best in the memory of the people of this country, British subjects had engaged in foreign wars and in foreign countries, and more especially when the doing so was combined with a national object, and was agreeable to the national feelings. The noble and learned Lord had charged the Government, on the ground of a speech made in another year, in another place, and under other circumstances, with attempting a justification of the policy they had pursued, on the ground that the greatest objects had been effected by the smallest means; and this the noble and learned Lord called a most miserable, peddling, huckstering policy. Doubtless, the sublime aspirations of the noble and learned Lord—if he had the conduct of the affairs of this country—would have induced him to take a contrary course, and to effect the smallest objects at the greatest expenditure of means. Unquestionably that was not the policy which this country had ever pursued, or was now pursuing; and when the noble and learned Lord stigmatised their policy as miserable and peddling, he should have thought, that the noble and learned Lord's historical recollections would have suggested to him a period of history, and a reign which was usually considered most glorious in the history of this country, but which consisted of a series of those very peddling measures, of employing small means, of encouraging foreign adventurers, of countenancing them, and thereby producing a moral effect upon the balance of power in Europe and upon the character of this country abroad, with, perhaps, the smallest expenditure and sacrifice of resources known in any former period of history. But it seemed that they had acted in concurrence with France, and the noble and learned Lord stated, that this policy had not been followed out by France. Now, it was quite true, as he had stated before, that when the quadruple treaty was made, which the noble and learned Lord had not condemned in Parliament, nor did he propose to condemn it, the two countries were bound together in a common system of action with regard to Spain, but they wisely left it open to each to use his own discretion as to the application of the particular means which should be applied in prosecuting that policy. Whether France had precisely used the best means of doing so, was a question upon which he was not called upon to decide, but that France had been, unfaithful to the cause, that she had violated the treaty, he did most distinctly deny; and he would rather confidently affirm that the result of the treaty had been, that the affairs of the Peninsula were in a much better train of settlement as respected internal policy, and the general policy of the world, than they would have been if that treaty had not been concluded; and when the noble Earl (the Earl of Carnarvon) wisely said, that it should be the policy of this country to allay angry passions, and to put an end to the contest between the two extreme parties, and not to rouse those passions and feelings of men to the committal of the horrors that were always attendant upon civil commotion, he would say, that the quadruple treaty, and the policy that dictated it, were better calculated to prevent that excitement that existed in Spain and Portugal, but more particularly in Spain, than if they had left the people of those countries entirely to their own guidance, and without any sanction being given to the Government under which they lived, if they had left them to fight the battle out between themselves. It was said by the noble and learned Lord, that they had interfered for the purpose of establishing a particular constitution in Spain. He denied that. They had interfered on behalf of no particular form of constitution. They had interfered for the sake of procuring legitimate government in a crisis of danger, and they had endeavoured to secure to that government, as far as they could, the blessings of order and tranquillity, which he was sure, was the ultimate wish of all parties to arrive at, and, he thought, they were much more likely to attain this by interference than if the people of Spain were left entirely to their own means and resources. But Don Carlos had become strong in Spain, because it was supposed that he was the friend, the advocate, the representative, and the supporter of the *fueros* of a portion of the Spaniards. It was upon the assertion of the *fueros*, or privileges, that his strength had depended. The Spaniards thought, that in asserting his rights they were contending for their privileges. When, then, a question was put to the Queen's Ministers, he had to ask the noble Lord who put it, and who, he believed, was well informed as to the state of Spain, whether the Biscayans—whether those who were looking for the *fueros* were perfectly well satisfied with the conduct of Don Carlos? If the noble Lord were in possession of any such information, then he could only say, that it was very different from any intelligence that had reached him. He was, for his own part, convinced, that these privileges would receive from the Spanish government that consideration to which they were entitled, and that ultimately that question, which had been so long disputed would be satisfactorily arranged. Ministers desired to see the peace of the Peninsula established. They had hitherto seen any success that had attended Don Carlos accompanied by a system of atrocity, at which, however, humanity shuddered; and while he said this he was ready to admit, that unfortunately a course of conduct had been pursued inconsistent with the spirit of humanity by many of those who were engaged in the cause to which Don Carlos was opposed. But while he admitted this, he was prepared to say, that the system of atrocity and cruelty had peculiarly marked the career of Don Carlos, that it had done so from the beginning to the end of that career, and that the cruelties unfortunately practised on the other side were only practised in the way of recrimination upon him, who had, when prisoners had been taken in battle, ordered them to be sacrificed in cold blood. They then saw, that inhumanity upon the one side had produced a terrible reaction upon the other. The lawful authorities in Spain had not carried this system into operation. He was prepared to contend for the Queen's party in Spain, they, at least, had fallen far short of Don Carlos in cruelty; he would go further, and say, that they had acted in perfect accordance with that convention which, greatly to the credit of the noble Duke, had been originated in his administration, and which was known by the name of "the Eliot Convention;" he said, that the Queen of Spain's government had acted in perfect concurrence with that convention; and he might add that no opportunity was lost, no occasion was allowed to pass by, in which the British Minister did not urge upon the attention of the Spanish government a strict adherence to that treaty, and even urged them to attend to it, not less for the sake of their own characters than for that of the cause in which they were engaged. That cause was the cause of superior civilization, of superior humanity, of superior attention to the feelings of mankind; and such being, as he felt it to be, the cause of the government of the Queen of Spain, and there being urged upon it, as there would on the part of her Majesty's Ministers a due regard to the rights of citizens, and the claims of prisoners upon its mercy, he trusted, that these would, with other circumstances lead to a very different termination to that which had been predicted by the noble and learned Lord.

Lord *Lyndhurst*, in explanation, said, that he had distinctly alluded to the co-operation of the British Legion. When he spoke of the power possessed by Don Carlos, he had referred to his having possession of Valencia, with the exception of the capital, and also the whole of the rural districts of Catalonia and Upper Arragon.

The Duke of *Wellington* said, that as probably their Lordships expected him to communicate his views of the present state of the question, he would trouble the House with a few observations. The noble Marquess had stated fully how desirable it was, that we should avoid as much as possible any interference with foreign powers. There were two parties in Spain and the noble Marquess would, of course, not deny, that any interference or almost any species of interference that could be resorted to must tend to exasperate—to render more fatal and violent any disputes or dissentions that might exist. He would not refer back to the dispute in Spain respecting the succession. He was aware, that the present Government in this country had nothing to say to that question, that it had never been interfered in by the Government of this country; he was afraid, however, that the interference adopted by his late Majesty's Government, through the means of the quadruple treaty, had been with a view to a contest between extreme opinions—those which supported the Government of Don Carlos on the one side, and those of the Queen and her daughter on the other. Those opinions, he believed, had influenced this country, and not the question of the succession. He objected to interfere on that ground, for he thought, that upon it this country had no right to interfere at all. According to the declared opinion of the present Ministry themselves, they were disabled from interfering in the maintenance of extreme political opinions. Unfortunately, fifty years ago, certain extreme political opinions were forced upon a great country and a great part of Europe by means of large armies and military force, and it was expected, that the same means would have succeeded in Spain. For that reason the British Government had interfered, and not on account of the disputed succession in this unfortunate question. He said, that they had no business to interfere in this question of succession. There might, indeed, have been some pretext for interference had any power or party in Europe espoused the cause of Don Carlos. But no such thing had occurred. [*Cheers.*] The noble Baron (Holland) cheered, but he appealed with confidence to the fact, that there was not a power in Europe which had stirred a finger in the question of succession in Spain. According to their principle—above all according to the principle professed by the noble Lord opposite—the principle professed and acted on by this country for many years—they ought to have avoided, and most particularly by arms, interfering in the Spanish contest. Respecting that part of the transaction, he had no hesitation in saying, that there had not been a single movement in favour of Don Carlos. When Don Carlos went into Spain in the summer of 1834, there were not three battalions in the country. That was a positive fact. There were not less than forty fortified posts in possession of the Queen of Spain, and it was not until the year 1835, when the exchange of prisoners under the negotiation of Lord Eliot had taken place, that Don Carlos had acquired any authority, at which time the Queen's army was obliged to take a position on the right side of the Ebro. That was to say, and he would stake his reputation on the fact, that in the interim, between the summer of 1834 and the exchange of prisoners in 1835, or in other words in the course of a few months, so much had been gained by Don Carlos in that part of the country, that he possessed sufficient power to assume a position on the other side of that river. According to the noble Marquess's own principle, that of not interfering between two hostile parties in a nation like Spain, and in which a contest was being fought, but above all, considering the moral influence we had gained in that country by means of the Eliot convention, they ought, by all means in their power, to have avoided interfering, and endeavoured to support the moral influence they had already established. Had they followed up that course of action, the result would, in all probability, have been the most favourable for the establishment even of the very party they wished well to. That had always been his opinion. He had stated before, and he now repeated with equal confidence, that he felt positively certain, that had the Government continued that course of policy which had been adopted by their predecessors, who were in office for a few weeks only, they would before this have been able to interfere in such a manner as would have led to the settlement of the question. No man would venture to say, that Don Carlos had not met with misfortunes, or that his affairs had never been in a state of adversity. In what state were they now, for instance? But he wanted to know, if the noble Lord opposite was prepared to take advantage of the affairs of Don Carlos at the present moment? Could he have any communication with Don Carlos? Could he have any influence over Don Carlos or the party acting with him? Or could he say a word to him in any one way, in his present or any other adverse situation that he might have been placed in since the retirement from office of the noble Lord's predecessors to the present moment? It was absolutely impossible. The noble Lord had told them, certainly, that he had sent out an expedition, and the noble Marquess had informed them, that it had always been the policy of this country to encourage such expeditions. Now, without meaning to assert, that that expedition was a dire catastrophe, he must be permitted to say, that the Legion was, in his opinion and conviction, a complete failure. It had cost Spain an enormous sum of money, great expectations had been raised by it, and notwithstanding the advantageous position of the Christinos, in the year 1835, the four Biscayan provinces and Navarre being in their hands, and the country in a certain degree of tranquillity, it was nevertheless deemed advisable to send it out. What was the reason? The Queen could not carry on the war. It was quite impossible so to do unless she got 10,000 Englishmen. A Legion from England, and another from France. If an application had been made for officers, or for arms, or for money, or for artillery, it would have been somewhat reasonable; but asking for 10,000 men from England! Spain asking for 10,000 Englishmen to destroy Don Carlos, who was shut up in the mountains, was really most ridiculous. The object, however, was evident enough. It was not to bring 10,000 or 15,000 men to the contest, but to bring into it the red coats and blue coats of England and France, with a view to produce an effect. Thus was an end put to that moral influence which this country could and ought to have exerted, but which can only be exercised by strict adherence throughout all her proceedings to the plain principles of justice. If she entered into a treaty, let her carry it honourably through, but not push it further than necessity required. He had said that the Legion was a failure. Of that he had not the slightest doubt. But even after that failure he strongly advised her Majesty's Government to withdraw themselves from the policy which had led to that failure, to adopt an honest course of neutrality, and see whether they could not in that way put an end to the contest. What were they doing? They were keeping possession of Passages, and in consequence thereof keeping France in a state of jealousy. They were also rendering jealous the whole north of Spain, for that country did not like to see England in possession of a place which it might be a convenience to her hereafter to retain. Supposing they were to quit Passages, and Don Carlos to take possession of it next day, nothing would prevent the Queen from communicating with Santander, Bilbao, and St. Sebastian, letting Don Carlos at the same time do what he pleased with Passages. Keeping such a port as Passages was of no use to this country whatever, except as a signal that there we were parties to the contest; while it prevented us from assuming our proper position, which was that of neutrality—of course he meant the neutrality we were bound to observe by the treaty. He would have us occupying a position which would enable us to exert a fair influence over both parties, with the view of bringing this long-protracted contest to a satisfactory conclusion. We ought to endeavour to put an end, if possible, to this miserable civil war, the details of which were the most disgusting that he knew of.

The Earl of *Minto* considered the position of neutrality recommended by the noble Duke so inconsistent with their position under the quadruple treaty that he could not see how it was possible to adopt it. With regard to the possession of Passages, if the object were nothing more than that stated by the noble Duke, it would not be worth while, certainly, to maintain a squadron; but it was maintained there in accordance with the obligations of a treaty. He did not mean to enter into the general question of policy regarding the quadruple treaty, it having been already sufficiently explained by his noble Friend; but he must say he could imagine no case in which one country had a greater right to call upon another to come forward in its defence and protection, than that which the Government of Spain had to deal with at the period of the quadruple treaty. It should be remembered that the rebellion of Don Carlos was our work, that he went from this country and was so enabled to raise the standard of insurrection in Spain. That gave Spain a strong claim on our assistance. The principal reason why he (the Earl of Minto) rose, was to advert to one remark made by the noble and learned Lord opposite. He understood that noble Lord to have censured some instructions which he stated to have been given to the squadron on the eastern coast of Spain.

Lord *Lyndhurst* said, that he merely stated that a Sardinian frigate being about to land stores on the eastern coast of Spain for Don Carlos, he had reason to believe, that her Majesty's Government gave orders to resist it.

The Earl of *Minto* said, he was not about to state whether such orders were given or not, but to say, that if he had received information that any foreign state was about to send succour in the way of arms or men to Don Carlos on the coast of Spain, if he had issued instructions to the officer at the post to execute the Queen's treaty, and prevent the landing of the troops, such orders must upon the face of them be confidential, and if by some means the noble and learned Lord had been instructed that orders of this nature had been issued by the present Government, he had only to hope that no British officer could have so far betrayed the confidence reposed in him as to have made any such disclosure.

Lord *Lyndhurst* said, he had not mentioned to any individual whatever that he was about to make this communication. He had spoken upon a general rumour, a general report which had been alluded to in the other House of Parliament, and, he believed, even in that.

The Earl of *Ripon* said, that there was nothing in the treaty of quadruple alliance, or in the additional articles, which could justify us in taking possession of the ships of any friendly Powers, which, happening to take a different view from us of the question of succession to the crown of Spain, might be engaged in conveying succours to Don Carlos, and he considered it exceedingly dangerous to profess a contrary doctrine.

The Marquis of *Londonderry* replied. He considered that the present discussion had been productive of the greatest possible advantage, in eliciting the highly valuable opinion of the noble Duke.

The papers were ordered.

HOUSE OF COMMONS,

Wednesday, June 20, 1838.

MINUTES.] Bill. Read a first time:—Vagrants Act Amendment.

Petitions presented. By Mr. WHITE, from Sunderland, and by Mr. PEASE, from Stockton-on-Tees, against the Zealand Colonization Bill.—By Sir ROBERT PEEL, from Merchants, Shopkeepers, and others of the city of London, and by Mr. HUTT, from Hull, in favour of the Bill.—By Mr. O'CONNELL, from the Hibernian Joint-stock Bank, against the monopoly of the Bank of Ireland.—By Mr. O'CONNELL, from Dublin, by Sir JAMES GRAHAM, from the Grand Junction Railway Company, and from the Carlisle and Preston Railway Company, by Mr. W. MILES, from the Exeter and Bristol Railway Company, by Mr. BAINES, from the Midland Railway Company, against the Mails on Railways Bill.—By Mr. FITZSTEPHEN FRENCH, from the Surgeons of the Royal Hospital at Dublin, and from the Surgeons of the Lock Hospital, Dublin, against certain Clauses of the Medical Charities (Ireland) Bill.—By Mr. LOCH, from the county of Ross, and from Wick and Tarn, and by Sir G. SINCLAIR, from Thurso, in favour of the Small Debts (Scotland) Bill; and by the LORD-ADVOCATE, from Glasgow, Greenock, and another place, against it.—By Mr. D. W. HARVEY, from the Printers of Oxford, against the Copyright Bill.—By Mr. GIBSON, from Ipswich, by Lord DALMENY, from Stirling, Dunfermline, and Inverkeithing, by Mr. BAINES, from Leeds, by Mr. PROTHEROE, from Halifax, Rotherham, and another place, and by Mr. WALLACE, from three places in Scotland, for a reduction of Postage.—By Mr. W. MILES, from the Guardians of the Poor of Bristol, in favour of the New Poor-law Act, but praying Amendments.—By Mr. LITTON, from the Guild of Tailors at Dublin, if the House passed the Irish Municipal Bill, to preserve existing vested rights.—By Viscount SANDON, from Liverpool, in favour of the Lord's Day Bill.—By Mr. WALLACE, from Greenock, for the Abolition of Impressment.—By Mr. GROTE, from the Rector, Churchwardens, and other Inhabitants of the parish of St. Bartholomew, Exchange, against the Royal Exchange Building Bill.

SMALL DEBTS SCOTLAND.] Sir W. Rae moved the further consideration of the report on the Small Debts (Scotland) Bill.

The *Lord Advocate* wished to make some material alterations in the bill and with this view moved, that it be recommitted.

Sir *W. Rae* said, that it was impossible to accede to the motion of his right hon. Friend, because if he did he should not be able at this period of the session to get the measure passed.

Mr. *Gillon* would vote for the amendment proposed by the Lord-Advocate, or for any other which would have the effect of defeating the bill.

The House divided—Ayes 111; Noes 111.

List of the AYES.

Alsager, Capt.
Arbuthnot, hon. H.
Bagge, W.
Bailey, J.
Baring, hon. F.
Baring, hon. W.
Barrington, Visct.
Bell, M.
Bentinck, Lord G.
Bethell, R.
Blackburne, I.
Blair, J.
Blandford, Marquess
Boldero, H. G.
Bramston, T. W.
Broadley, H.
Brownrigg, S.
Bruges, W. H. L.
Burroughes, H.
Calcraft, J. H.
Canning, rt. hn. Sir S.
Chute, W. L. W.
Clerk, Sir G.
Cole, Lord
Colquhoun, J. C.
Courtenay, P.
Cripps, J.
Dalrymple, Sir A.
Douglas, Sir C.
Dowdeswell, W.
Dunbar, G.
Duncombe, W.
Dungannon, Lord
Egerton, W. T.
Egerton, Sir P.
Estcourt, T.
Estcourt, T.
Farnham, E. B.
Feilden, W.
Filmer, Sir E.
Fleming, J.
Fremantle, Sir T.
Gladstone, W. E.
Gordon, hon. Captain
Graham, Sir J.
Greene, T.
Grimsditch, T.
Grimston, Visct.
Hardinge, Sir H.
Herries, right hon. J.
Hinde, J. A.
Hodgson, F.
Hodgson, R.
Holmes, hon. W.
Hope, hon. C.
Hope, C. W.
Hurt, F.
Ingham, R.
Inglis, Sir R. H.
Irton, S.
Jackson, Serg.
James, W.
Johnstone, H.
Jones, T.
Kemble, H.
Lascelles, hon. W. S.
Litton, E.
Lockhart, A. M.
Lowther, hon. Col.
Mackenzie, T.
Mackenzie, W. F.
Mackinnon, W. A.
Maclean, D.
Mahon, Lord Visct.
Master, T. W. C.
Miles, W.
Miles, P. W. S.
Milnes, R. M.
Mordaunt, Sir J.
Neeld, J.
Nicholl, J.
Packe, C. W.
Pakington, J. S.
Palmer, G.
Parker, M.
Peel, rt. hon. Sir R.
Pemberton, T.
Perceval, Colonel
Perceval, G. J.
Planta, right hon. J.
Plumptre, J. P.
Powerscourt, Lord
Praed, W. T.
Rose, Sir G.
Round, C. G.
Rushbrooke, Colonel
Shaw, right hon. F.
Sheppard, T.
Sinclair, Sir G.
Stanley, Lord
Stuart, Lord J.
Sturt, H. C.
Sugden, Sir E.
Vere, Sir C. B.
Verner, Colonel
Villiers, Viscount
Waddington, H.
Walsh, Sir J.
Wilbraham, B.
Wood, Colonel T.
Wood, T.

TELLERS.

Rae, Sir W.
Pringle, J.

List of the NOES.

Abercromby, G.
Aglionby, H. A.
Aglionby, Major
Ainsworth, P.
Archbold, R.
Barnard, E. G.
Barry, G. S.
Beamish, F. B.
Bernal, R.
Blackett, C.
Blake, W. J.
Bodkin, J. J.
Bowes, J.
Brodie, W. B.
Brotherton, J.
Buller, E.
Campbell, Sir J.
Chalmers, P.
Craig, W. G,
Currie, R.
Curry, W.
Divett, E.
Dundas, C. W. D.
Dundas, F.
Dundas, hon. T.
Ebrington, Viscount
Elliot, hon. J. E.
Evans, G.
Fazakerley, J. N.
Finch, F.
French, F.
Grey, Sir G.
Grote, G.
Guest, J.
Handley, H.
Harvey, D. W.

Hastie, A.
Hawes, B.
Hector, C. J.
Hindley, C.
Horsman, E.
Howick, Viscount
Hume, J.
Hutt, W.
James, W.
Kinnaird, hon. A.
Labouchere, rt. hn. H.
Lambton, H.
Langdale, hon. C.
Langton, W. G.
Lennox, Lord G.
Lister, E. C.
Lushington, C.
Lynch, A. H.
M'Taggart, J.
Maule, hon. F.
Melgund, Visct.
Milton, Visct.
Morpeth, Visct.
Morris, D.
Muskett, G. A.
O'Connell, D.
O'Connell, M. J.
O'Connell, M.
O'Connor, Don
O'Ferrall, R. M.
Ord, W.
Parker, J.
Parrot, J.
Pattison, J.
Pechell, Captain
Pendarves, E. W.
Philips, M.
Philips, G. R.
Power, J.
Price, Sir R.
Protheroe, E.
Pryme, G.
Rundle, J.
Russell, Lord John
Salwey, Colonel
Sanford, E. A.
Scholefield, J.
Sharpe, General
Shelborne, Earl
Slaney, R. A.
Smith, J. A.
Smith, R. V.
Somers, J. P.
Speirs, A.
Stanley, E. J.
Stansfield, W. R. C.
Strickland, Sir G.
Strutt, E.
Style, Sir C.
Talfourd, Serg.
Thomson, rt. hn. C. P.
Thornely, T.
Turner, W.
Vigors, N. A.
Vivian, J. H.
Vivian, Major C.
Wallace, R.
Warburton, H.
Ward, H. G.
White, A.
Williams, W.
Winnington, T. E.
Winnington, H. J.
Wood, Sir M.
Wrightson, W. B.

TELLERS.

Advocate, Lord
Gillon W. D

The Speaker gave his casting vote in favour of the recommitment of the bill and the House went into Committee.

Upon Clause 2 the Lord Advocate moved as an amendment to the clause, that the words "100*l*. Scots" be omitted, and 5*l*. "sterling" inserted in their stead.

Sir *W. Rae* supported the original clause.

The House divided on the original question — Ayes 119; Noes 110; Majority 9.

Bill went through the Committee and the House resumed.

[The Members who divided were in both cases so much the same that it does not seem necessary to repeat the lists.]

NEW ZEALAND.] Mr. *F. Baring* (Thetford) moved the second reading of the New Zealand Bill. The hon. Member entered into a statement of the circumstances under which an Association had been formed for the purpose of colonizing New Zealand, and stated, that the object of that association was the improvement of the colony. He also vindicated the association from various accusations, and complained that her Majesty's Government had refused them the advantages of a charter. It might be said the Government should establish a colony themselves, but was the House prepared to vote 200,000*l*. for that purpose? Whatever might be the fate of this bill, it would be impossible to stop emigration to New Zealand. The hon. Member concluded by moving the second reading of the bill.

Sir *G. Grey* should certainly vote against the second reading of the bill. He must express his regret that his noble Friend the Secretary-at-War was not in his place, because he knew his noble Friend did not consider himself in the slightest degree bound by the statement which had been made elsewhere, that he had ever given his assent to the principle of the bill, accompanied by the details now printed and published to the world. His noble Friend certainly did last year suggest certain alterations with respect to the appropriation of the money to be derived from the sale of lands, &c., but he had this authority to state, that he had never given on the part of Government any assent to the bill, or any pledge to that effect. This bill comprised within itself every objection which it was intended to exclude from the charter proposed to be granted by her Majesty's Government.

Sir *R. Inglis* was glad to find, that Ministers were determined to oppose this bill. We had no more right to colonize New Zealand by an act of the Imperial Legislature, than we had to colonize France. New Zealand was an independent state. We had already diplomatic relations with that country, and our cruisers had orders to respect its flag. The real point at issue was this—whether by a bill not brought in by her Majesty's Government any body of private gentlemen should be permitted, first to purchase and exercise the rights of sovereignty in a foreign country, and then to form laws at their pleasure for the country so acquired. He hoped that, by the concurrent opposition of both sides of the House, that small section of it of which his noble Friend, the Member for Thetford, was the representative, would be utterly defeated in their scheme of transferring to themselves one of the prerogatives of the British Crown.

Mr. *Hawes* considered the opposition which her Majesty's Government was offering to this bill to be not only ill-timed, but also inconsistent, or at least scarcely consistent with good faith. If her Majesty's Government were determined to oppose this measure, they ought to be prepared to bring forward another in lieu of it, for ameliorating the condition of the people of New Zealand, and for putting an end to those evils which now pressed upon them, and with which the Secretary for Foreign Affairs had been made acquainted by frequent representations. Had not the people of that country had their rights seriously infringed on by the missionaries, who had for some time past been converting themselves into traders and holders of land? It had been said, that New Zealand was an independent state, and that we were not entitled to purchase the sovereignty of it by treaty. Now, in his opinion, there could be no harm in passing a bill enabling a society to hold lands in France, provided those lands were fairly purchased by treaty from the legal holders of them; and that was all that was proposed by this bill. He asserted, that the noble Secretary at War had said to a deputation which waited upon him that he would not throw cold water upon this project, and from that expression he had supposed that the noble Secretary had given it some sanction. He was, therefore, very much surprised at the opposition with which the Government now met the bill which was to carry that project into execution. He earnestly hoped the House would allow the bill to pass the second reading.

Mr. *W. E. Gladstone* remarked, that charges had been brought against the Church Missionary Society, that they had countenanced undue acquisitions of land. Undoubtedly, British subjects had entered into extensive relations with the aborigines of New Zealand. If they had become occupants of large tracts of land, it was impossible that great complexity of relations should not ensue. If the number of British settlers increased, it would be found necessary to provide means of adjusting those disputed questions which must arise out of the transactions of intercourse and traffic. This question appeared to him to lie in a small compass. Neither those who opposed the measure nor those who supported it seemed to him to make out a complete case. He thought, that more was required to regulate our relations with the people of New Zealand than was thought necessary by the Church Missionary Society; but, on the other hand, whatever was done should be done under the strictest and most direct responsibility, by instruments under the immediate control of the executive and of Parliament, and not by any intermediate body, removed from their superintendence and control. With regard to the relations of the new settlers with the native inhabitants, the lands distributed to them were not occupied by the aborigines to nearly the same extent as those proposed to be colonized in New Zealand. There was no evidence that the chiefs of New Zealand had parted with any of their rights of sovereignty, and it behoved the House to be extremely cautious how they consented to any scheme for dispossessing them by underhand means. How was it possible for the House to proceed to lay the foundation of a new state while her Majesty's Government was hostile to the plan? He should wish Government to initiate some measure for the regulation of our concerns in New Zealand, but it was obvious that it was impossible to force the present bill on Government, or to carry it without the assent and approbation of Government. There was no one subject that could engage the attention of the Legislature that demanded more circumspection. There was no exception to the unvarying and melancholy story of colonization. Whenever settlers from a people in an advanced stage of civilization came into contact with the aborigines of a barbarous country, the result was always prejudicial to both parties, and most dishonourable to the superior. Before establishing a system founded on principles similar to those advocated by the supporters of this bill—before endeavouring to meet the necessities of the case, which he admitted to exist—before instituting a plan of superintendence and control such as was to a certain extent required, they had a most difficult task to perform, a work of labour which would require much examination and inquiry, and which it was totally hopeless to go into at this period of the Session.

Mr. *Ward* said, that the hon. Gentleman who had just spoken seemed to rest his objection to the bill on the ground of the insufficiency of the materials for legislation on this question. Now, it was perfectly well known, that Government had the most ample means of collecting information on the subject, and that a large stock of information as to emigration had actually been collected by former Governments, of which the present Administration had shown little anxiety to avail itself. Why should Government allow a fund of 200,000*l.* to accumulate in Australia, a burden to the colony, and conferring no advantage whatever on the mother country? The success of the system established by the South Australian Act had already proved the benefits resulting from the principle of making emigration to support itself. That colony was advancing rapidly in the career of success, and it was incredible that Government, with such an example before their eyes, could remain blind to the advantages which would result from an extention of the system to other colonies. The hon. Gentleman opposite admitted, that it might be advisable to establish a system of superintendence in New Zealand. He (Mr. Ward) would go further, and say, that as Christian legislators they ought not for a moment to delay interference. The European visitors of New Zealand had entailed on it all the curses of civilization without its benefits. It was overrun with the very scum and refuse of our seamen; 2,000 lawless men had planted themselves in the country, constantly fomenting broils and disturbances, and committing outrages which the Government of this country could not control. The Church Missionary Society had no power to repress these crimes; they might invoke the name of religion and justice, and denounce the guilt of the offenders, but such efforts were vain. The object of the bill was to give protection to all living within the circle over which its provisions extended. The hon. Member opposite said, that we had no right to establish our sovereignty in New Zealand; but would he show him what right they had to do so in Australia? The New Zealanders might be an inferior race; but their rights as the inhabitants of an independent territory were the same. He must say, that from the interviews he had had with Members of her Majesty's Government, he was surprised at the course now taken by them. The noble Lord, the Secretary at War, was present at an interview of the most encouraging nature which he (Mr. Ward) had had with the noble Lord at the head of the Government. On that occasion the principle on which the colonization of New Zealand was to be conducted had been explained to the noble Lords, who expressed their concurrence. He (Mr. Ward) was requested to arrange with the noble Secretary at War the details of a satisfactory plan, and the suggestions of that noble Lord had been incorporated in the proposed scheme. Most certainly the principle on which the negotiation had been broken off was never mentioned by the noble Lord at all, nor had it ever been hinted that the supporters of the plan should become a joint-stock company, having a pecuniary interest in the success of the undertaking. It was not until great sacrifice of time, labour, and money had been made by those who had embarked in the undertaking that the wish of Government to that effect was notified to those concerned. The last persons who ought to oppose the bill were the Members of the Administration. During the whole of his experience in public life, he had never known so much uncertainty, vacillation, or change of purpose displayed by the Ministry towards those connected with the undertaking, whom he himself, relying on the faith of Government, and their professions of good-will, had been a party to deluding.

Viscount *Howick* had some right to complain of the manner in which his hon. Friend, the Member for Sheffield, had brought forward the part he had taken on this subject. It had never struck him as being possible that any gentleman could have conceived, that in anything he had ever said on the subject, he had ever given encouragement to this bill in any way whatever. If he had thought that possible, he should have brought down to the House the letters which had passed between himself and the hon. Gentleman about twelve months ago. Not having anticipated anything of this sort, he had not brought down those letters, nor had he referred to them, and he must speak, therefore, entirely from memory in the account which he was about to give of the part he took relative to this subject. He must say, however, that he very much wished that the hon. Gentleman, as he thought he ought to have done, had brought down those letters, and from them stated to the House the part which he had really taken in the affair. Speaking from memory, then, of what passed about twelve months ago, he had to state to the House, that Lord Melbourne, and the noble Secretary of State for the Colonies, had appointed to meet the hon. Member for Thetford, and other promoters of this measure on a given day; but, on the day of meeting, the noble Secretary was unable to attend. He had never heard of the matter before, but Lord Melbourne sent to him, requesting him, as having had some connexion with colonial affairs, and taking interest on the subject of colonization, to attend in the place of Lord Glenelg. He accordingly attended. The Gentlemen of the deputation took the opportunity to state their views to Lord Melbourne, but he must say, the statement they made was of the most vague and general kind; and no Gentleman could have thought of giving a decided opinion, on the moment, upon such a statement. What the Members of Government said, was, that, upon the statement, they did not see any objection to founding a colony in New Zealand; but it was added, that on two points it was indispensable that the Government should receive satisfaction previous to giving their consent to any measure of colonization—first, that the subjects of the Crown should not be inveigled into embarking in any scheme by which their lives and property should be wantonly risked; and, second, that security should be provided for doing full justice to the aborigines. These points, it was absolutely essential should be established before even the scheme could be suggested to the Government. He had, moreover, taken the trouble to point out to the parties certain particulars, in regard to which the scheme, on the first design of it, was obviously deficient. His hon. Friend, the Member for Sheffield, had written to him on the subject, and he, in reply, stated what were the views of Government, and what the securities and checks they thought absolutely essential. His hon. Friend said, "I am willing to make the bill just what you like." His answer was, "I never undertook to make a bill, or to concoct a measure which should be unobjectionable. I only say, that having taken much interest in the affairs of the colonies, I should be very glad to see a measure of a satisfactory nature." Till, within a very short time, he had invariably refused to take any part whatever in the affair. He had only pointed out what were the original deficiencies of the plan, which must be removed before it could be brought forward with any chance of success. This was the utmost limit of encouragement which he had ever given to the scheme, and the House would not be surprised at his present opposition to it, when he mentioned that those original defects were still in the bill at this moment. In the course of his communications with his hon. Friend he had stated, that it was necessary that the Queen's Government should have the fullest control over the commissioners to be appointed by the bill, and he asked Gentlemen to look into it, and say, whether any control was attempted to be given. By the bill, those commissioners would be totally irresponsible, and irremovable also, except by means of an Act of Parliament. He had understood, that the parties were prepared with a large sum of their own, and not borrowed from others, for the purposes of the plan. It was so stated in Lord Melbourne's room. And when he had first heard of a loan, which was about two or three months ago, he said, that it was totally inadmissible. The hon. Member had stated, that the idea of a joint-stock company was out of the question. The moment he heard of the proposal of a loan, his answer was, that Government, in justice to the numerous individuals who had money to invest, and who did not know what species of investment to choose, and to the numerous classes of orphans, widows, and others, who derived their living from funded property, could not think of giving encouragement to a measure which was supported almost exclusively by loans. If the parties interested in the measure thought proper to advance their own funds, they might do so; but it was a totally different question when the Government were called upon to countenance and sanction, by an Act of Parliament, a measure of this kind, in which it was provided that the scheme might be carried on by means of a borrowed capital, bearing interest of 10*l.* per cent. The House knew how very easy it was to induce persons who had small sums left them to embark in speculations of this kind, and he did say, that Government would not have done its duty in giving its sanction to a measure of this description. The hon. Gentleman said, that Parliament had already sanctioned hat principle with respect to the colony of South Australia, and that the colony was doing so well, that they would be justified in continuing the adoption of that principle. Now, he must say, he very greatly doubted whether the South Australian plan had arrived at such a stage of its existence that you could take credit for its success. He did not believe, that the interest of the South Australian loan had been paid by funds derived from the colony, and not from new loans. If it were so, he should say, that the case of New Zealand was quite different from that of South Australia. So much for the encouragement he was said to have given to this plan; and what he said for himself he could say for the Government—that they had never held out any thing that could be called encouragement to the measure. The Government was not unwilling to consider, and, if possible, support a measure for colonizing New Zealand, which should have incorporated in it the two principles —first, of security against inveiglement of her Majesty's subjects; and, secondly, security for the observance of justice towards the aborigines. This was the extent of the promise given by Government. But this bill answered neither of these conditions; it afforded security neither to the subjects of the Crown nor to the natives of New Zealand. On these grounds, therefore, and looking at the present state of business, he should cordially vote against the second reading. The Colonial-office had not been wholly idle with respect to encouragement to emigration. The noble Viscount read a statement, from which it appeared, that the average number of persons emigrating annually to Australia, previous to the adoption of the present system, was 800; that the number last year reached three times that amount; and that about four times as many were to be sent out within the first half of the present year. He thought this statement completely disposed of the objection of his hon. Friend, that the fund of which he spoke, had not been made a due use of for the encouragement of emigration. In fact, emigration was going on as fast as the amount of funds available would admit of; and he thought that, in justice to his noble Friend at the head of the Colonial Department, it must be admitted by the hon. Member that this charge against the Government was not well founded. The noble Viscount concluded by repeating his determination to vote against the second reading of the bill.

Mr. *Hutt* thought, that the plan of this bill was entitled to support, if they referred to what had been done in the colonization of South Australia. Within the space of a year and a half the colony established there had become most flourishing, and with the prospect of daily increasing prosperity. It was thriving on its own resources. It was true, that a debt had been contracted for the colony of South Australia, but it should be recollected that it was impossible to convey a considerable number of emigrants across 15,000 miles of ocean without expense. The sum thus borrowed, would, however, be repaid. He thought the bill entitled to support, and that the conduct of the Colonial Government, with respect to it, was anything but what its promoters had a right to expect.

Sir *W. James* would oppose the bill, because, he did not like, by such an experiment, to interfere with what was being done by the missionaries, but chiefly because it would compromise the character and good faith of this country, which had declared the independence of New Zealand.

Mr. *Goulburn* said, he would rest his objection to the bill on the grounds urged by his hon. Friend the Member for Oxford —namely, that if they wished to colonize a country inhabited by a barbarous people, it should be undertaken by the Government, and placed under the authority of parties amenable to Government and under its control. He should decidedly object to giving to private individuals such powers as this bill would confer without having them under sufficient control. Knowing the political opinions of many of those hon. Members who supported the bill, he presumed they would not have asked such powers unless they thought them necessary to carry out the objects of the bill. Now, what were those powers? One was that the commissioners should have an unlimited right of taxation. This coming from men who set so high a value on the liberty of the subject, and who naturally objected to taxation without representation, was going not a little out of their ordinary political course. The next power was that of importing timber from New Zealand into this country duty free. This, from Gentlemen who were the warm opponents of discriminating duties between Canada timber and that from the Baltic, was not more consistent than the former. The next power given was that of raising a military force to an unlimited extent; and to sum up the whole, those friends of the liberties of the people would give the commissioners the power to frame articles of war, and order trials by courts-martial at their discretion. These certainly were advantages of colonization which it would be difficult to persuade the people of England to admit. If those gentlemen who were to be commissioners were to reside at New Zealand, or if the noble Earl whose name had been mentioned were to be removed thither from Canada, he should have less objection to grant those powers, because he would be disposed to place much reliance on his education and good sense; but it did not appear, that the commissioners were bound to reside on the island. They were empowered to send out an officer, who of course would be greatly removed from their control. Such powers as those ought not to be left to the discretion of private individuals.

Mr. *P. Howard* defended the bill, and contended that the commissioners would not have under it any power over an acre or a foot of ground which had not been regularly purchased from the natives. A commissioner would be sent out to see, that the native chiefs, who had not the education of civilization, were not overreached in the bargains they made of their lands. It should also be borne in mind, that all the regulations of the commissioners should be sanctioned by her Majesty in Council. New Zealand produced a large quantity of timber, flax, and oil, which would have a tendency to render Great Britain independent of the exports of Russia. The late Mr. Huskisson, although it was not generally known, was a great advocate for the colonization of New Zealand.

Lord *Sandon* felt himself bound to point out one palpable inconsistency in the bill. The 33rd Clause prevented any transfer of property by natives, after the proclamation had been read by the commissioners, whilst another clause prevented the commissioners from exercising any control over land not voluntarily ceded. Another fault in the bill was, that it did not afford the least guarantee for the protection of property to British emigrants.

Mr. *Pease* said, that although originally favourable to the colonization of New Zealand, he could not, after having perused the bill, support the present motion.

The House divided;—Ayes 32; Noes 92: Majority 60.

List of the AYES.

Aglionby, H. A.
Aglionby, Major
Bannerman, A.
Bowes, J.
Campbell, Sir H.
Campbell, W. F.
Chalmers, P.
Collins, W.
Dennistoun, J.
Finch, F.
Grote, G.
Hawes, B.
Hinde, J. H.
Howard, P. H.
Hume, J.
Hutt, W.
Jervis, J.
Jervis, S.
Langdale, hon. C.
Leader, J. T.
Mackenzie, T.
Melgund, Lord
Milnes, R. M.
O'Brien, W. S.
Pechell, Captain
Power, J.
Scholefield, J.
Sinclair, Sir G.
Smith, B.
Vigors, N. A.
Villiers, C. P.
Warburton, H.

TELLERS.

Baring, F.
Ward, H. G.

List of the NOES.

Baines, E.
Barnard, E. G.
Bewes, T.
Blackett, C.
Blandford, Marquess
Bridgman, H.
Broadley, H.
Brocklehurst, H.
Brodie, W. B.
Brotherton, J.
Bruges, W. H. L.
Chapman, A.
Chute, W. L. W.
Colquhoun, J. C.
Courtenay, P.
Crewe, Sir G.
Duckworth, S.
Duncombe, W.
Eaton, R. J.
Evans, W.
Gillon, W. D.
Gladstone, W. E.
Godson, R.
Gordon, Captain
Goulburn, H.
Grimsditch, T.
Halford, H.
Hawkins, J. H.
Hector, C. J.
Herries, J. C.
Hindley, C.
Hodges, T. L.
Holmes, hon. W.
Holmes, W.
Hope, G. W.
Hope, hon. C.
Howick, Viscount
Humphery, J.
Hurt, F.
Jackson, Sergeant
James, W.
James, Sir W. C.
Jones, T.
Kemble, H.
Kinnaird, A. F.
Kirk, P.
Lister, E. C.
Litton, E.
Lowther, J. H.
Marshall, W.
Marsland, H.
Martin, T. B.
Noel, W. M.
Ord, W.
Owen, Sir J.
Pakington, J. S.
Pease, J.
Plumptre, J. P.
Polhill, F.
Ponsonby, C. F.
Praed, W.
Pryme, G.
Pusey, P.
Rice, E. R.
Richards, R.
Rickford, W.
Rolfe, Sir R. M.
Rose, Sir G.
Round, J.
Rushout, G.
Sandon, Lord
Shaw, hon. F.
Sheppard, T.
Stanley, W. O.
Stewart, J.
Stuart, V.
Strutt, E.
Style, Sir C.
Sugden, Sir E.
Talfourd, Sergeant

Tollemache, F. J.
Turner, E.
Turner, W.
Vere, Sir C. B.
Verney, Sir H.
Vivian, J. E.
White, A.
Williams, W. A.
Wood, Sir M.
Wood, Colonel T.
Wood, T.
Wrightson, W. B.

TELLERS.
Grey, Sir G.
Inglis, Sir R. H.

OBSERVANCE OF THE SABBATH.] Mr. Plumptre moved the recommittal of the Lord's Day Bill.

Mr. *Ward* suggested to the hon. Member that it would be desirable for him to follow the advice of the hon. Member for Stamford, and withdraw the bill. There were certain restrictions which applied almost exclusively to the poorer classes of society. He, therefore, should object to a recommittal of it, and should take the sense of the House on the question.

Mr. *Plumptre* said, that he intended in Committee to propose several amendments, which would do away with many of the objections of the hon. Member for Sheffield.

The *Solicitor-General* concurred in the observations of the hon. Member for Sheffield. The bill would only be a re-enactment of what had now been in desuetude for a century and a half, and he should therefore object to its recommittal.

Mr. *Hawes* also concurred in the suggestion of the hon. Member for Sheffield. He understood club-houses were not to be shut up as well as public-houses; and he wished to know why should a gentleman be permitted to go to his club on a Sunday and drink his wine, whilst a poor man was prohibited from a similar enjoyment at a public-house?

Mr. *Goulburn* said, at present the same law was not applicable to club-houses and public-houses; and why should the hon. Member think that the hon. Member for Kent was introducing a new principle in this bill?

Captain *Pechell* must express his hostility to the bill unless the hon. Gentleman would declare his intention of not objecting to fishing-boats landing their cargoes on the Lord's-day. It might so happen that they had a cargo worth 2,000*l.*, the greater part of which would be lost unless they were exempted from the operation of this bill.

Mr. *Ward* then moved that the bill be recommitted that day three months.

Mr. *Jervis*, in seconding the amendment, said, that no doubt the House was desirous that some measure of this kind should be passed, and he admitted that no man was more fitted to undertake it than the hon. Member for East Kent, for nobody could doubt the sincerity of his intentions. But every word in the present bill was already to be found in the statute books, and he certainly thought it could not be carried, since public opinion was so much against it. Did the prohibitions of this bill apply to furnaces or to the steam engines in the mining districts of Cheshire, Wales, and other parts? If the fires were put out for one day, the proper working of the furnaces would be suspended for weeks. No, said the hon. Member for Kent, there was no prohibition for this, but was it from necessity or from piety? In his opinion, it was most impolitic to make provisions against one class, and not against all. He admitted, that there was a difference in the police of society, between club-houses and public-houses—but why should there be so in law? If cards were allowed at clubs on Sunday nights [" *No, No,*"]—No! Was it not lately proved in the Court of Queen's Bench to have been the case, and that many leading members of the aristocracy were present? Was that legal? Was there any penalty imposed for doing it? Could they compel witnesses to attend and prove it? Was it not unjust, then, to prevent the poor man from going to a public-house on a Sunday to enjoy his glass of beer and the society of his humble fellow workmen, whilst gentlemen might go to their clubs to drink their wine and carry on any system of debauchery they pleased without any restriction whatever? What would be the effect of this bill?—that no bakers would work on Sunday, and that the poor man could not get his dinner baked on that day; and what would be the consequence?—that one man would be saved from working at the bakehouse, whilst it would prevent the wives or superintendents of twenty families from dressing their children and going to church on that day by having to prepare their dinners at home. Was it just to throw such an enormous disadvantage on one class of society? No measure in this form would satisfy the wishes of the House.

Sir *E. Sugden* said, that his hon. Friend the Member for Kent proposed to make certain amendments to the bill in the Committee, to make it more acceptable to those who were desirous that some measure of the kind should be passed, and he did not see any reason why he should be prevented. His learned Friend the Member for Chester had asked why the prohibitory clauses should not refer to specific cases; but he must be aware that enactments of that kind must be general, and could not well be specific. With respect to baking on Sunday, he should say it was allowed by the bill. At the same time, although he would agree to sacrifice the case of the few to the ease of the many, yet there was a large body of workmen who felt themselves hardly dealt by in having to work on a Sunday. There was another case which ought to be included in the exempting clause, viz. —that of a poor man ordering malt liquor from a public-house to be drunk by him at his own house on a Sunday. His hon. Friend had attended to a suggestion which he had thrown out, but by striking out the clause prohibiting a man from employing his servants or using his horse on a Sunday, his hon. Friend had confined the operation of his bill to the lower classes.

Mr. *Grote* was of opinion that all the objections which had been urged to previous Sabbath bills, were applicable to the present one; and it was manifestly a hopeless undertaking to endeavour to force on men either religious observances or religious abstinences by means of legislation. He was opposed to the committal of the bill.

Mr. Sergeant *Jackson* was of opinion that it was the duty of a christian legislature to pass some measure for the purpose of making the Lord's day be observed. At the same time, he was as little desirous as any one to impose restrictions on the lower orders, and to leave the upper classes without restraints of any kind.

Mr. *Shaw* protested against the doctrine that it would conduce to the comforts and enjoyment of the poorer classes to give them opportunities of frequenting public-houses and tippling. He knew that the poor considered those their best friends who, by shutting up the public-houses, would render it impossible for them to go to such places on a Sunday.

Mr. *A. White* would vote for the committal of the bill, in the hope that means might be found to make it operate equally.

The House divided on the original question:—Ayes 75; Noes 53: Majority 22.

List of the Ayes.

Adare, Visc.
Attwood, M.
Bagge, W.
Baines, E.
Bell, M.
Blackburne, I.
Blair, J.
Blandford, Marq.
Boldero, H. G.
Broadley, H.
Brocklehurst, J.
Bruges, W. H.
Burroughes, H.
Campbell, Sir H.
Chapman, A.
Copeland, Ald.
Crewe, Sir G.
Darby, G.
Duncombe, W.
Evans, W.
Fleming, J.
Fremantle, Sir T.
Godson, R.
Gordon, Captain
Goulburn, H.
Greene, T.
Grimsditch, T.
Henniker, Lord
Hinde, J. H.
Hindley, C.
Hodgson, R.
Holmes, W. A.
Hope, hon. C.
Houstoun, G.
Hurt, F.
Jackson, Sergeant
James, Sir W. C.
Jones, T.
Kemble, H.
Kinnaird, F.
Kirk, P.
Litton, E.
Lockhart, A. M.
Lowther, J. H.
Mackenzie, T.
Neeld, J.
Nicholl, J.
Pakington, J. S.
Pease, J.
Praed, W. M.
Praed, W. T.
Pryme, G.
Rice, E. R.
Richards, R.
Round, J.
Rushout, G.
Sandon, Lord
Sanford, E. A.
Shaw, rt. hon. F.
Sheppard, T.
Sinclair, Sir G.
Stanley, W. O.
Stewart, J.
Style, Sir C.
Sugden, Sir E.
Talfourd, Serg.
Trevor, hon. G. R.
Turner, E.
Vere, Sir C. B.
Verney, Sir H.
Welby, G. E.
White, A.
Williams, W. A.
Wood, Col. T.
Worsley, Lord

TELLERS.

Plumptre, J. P.
Inglis, Sir R. H.

List of the Noes.

Aglionby, H. A.
Aglionby, Major
Bainbridge, E. T.
Bannerman, A.
Bewes, T.
Blackett, C.
Brodie, W. B.
Brotherton, J.
Campbell, W. F.
Chalmers, P.
Collins, W.
Dennistoun, J.
Duckworth, S.
Duke, Sir J.
Finch, F.
Grote, G.
Hawes, B.
Hawkins, J.
Hector, C. J.
Howard, P. H.
Hume, J.
Hutt, W.
James, W.
Jervis, S.
Johnson, General
Langdale, hon. C.
Leader, J. T.
Lister, E.C.
Marshall, W.
Marsland, H.
Melgund, Viscount
Morgan, C. M. R.
Ord, W.
Parker, J.
Pechell, Captain
Philips, M.
Ponsonby, C. F.
Power, J.
Rolfe, Sir R. M.
Rumbold, C. E.

Scholefield, J.
Smith, B.
Smith, R. V.
Stansfield, W. R.
Strutt, E.
Tollemache, F. J.
Turner, F. W.
Vigors, N. A.
Villiers, C. P.
Wallace, R.
Warburton, H.
Winnington, H. J.
Wood, Sir M.

TELLERS.

Jervis, J.
Ward, H. G.

House in Committee.

On Clause 1,

Mr. *Jervis* moved that in line 14, after the word "shall," the following words be inserted, "do, or cause to be done, any manner of work or." The object of these words was to extend the operation of the bill to all classes, and to prevent its provisions from being confined to one class only. If they were to have legislation on this subject, and he did not deny that legislation was necessary, then he thought that the bill ought to be made as stringent as possible.

Mr. *Plumptre* felt himself obliged to oppose the amendment, as contrary to the principle on which the bill was founded.

Mr. *Goulburn* could not see how the introduction of the words moved could make the bill more stringent than at present.

Mr. *Sanford* thought the words ought certainly to be inserted, as they would have the effect of extending the operation of the bill to the rich as well as the poor. It was true that they themselves did no work; but they caused others to work on the Sabbath, and he should insist on such amendments being introduced into the measure as would deprive the higher classes of some part of that power which they at present exercised over their domestics and dependents.

Sir *T. Fremantle* said, when Sir A. Agnew brought in his bill, those who opposed it said, that if a measure were brought forward for the purpose of suppressing Sunday trading, and without any vexatious restrictions being made, then they would support such a measure; and now, that a bill was introduced, carrying into effect their views, they turned round upon the hon. Member who brought forward the measure, and insisted on throwing out his bill, or on inserting words which would prevent it from passing into a law. He trusted, that the Committee would not sanction such a course of proceeding.

The *Solicitor-General* was one of those individuals who had always said, that if any measure could be devised for the suppression of Sunday trading, without imposing unnecessary and vexatious restrictions on the people, he would support it, but in opposing the present bill, he did not think that there was anything inconsistent with his previous declaration. He would still say, that if a measure was brought forward to prevent keeping open shop on Sunday, he would be the first to support it; but this bill went much farther, and he, therefore, felt himself obliged to oppose it. Nor could he support the amendment of his hon. Friend, because, bad as the clause was as it stood, the amendment would make it still worse, and it was his intention to oppose both the amendment and the clause. If they referred to the law at present in operation, they would find that the provisions of the Statute of Charles were as stringent as the provisions of the bill under consideration, or as it would be made were the amendment adopted; for it was enacted, that no person should do any work or exercise any calling or profession on the Lord's Day. But was that law enforced? No; for every person knew that it was little better than a dead letter. And what was the conclusion to be drawn from the fact that the law was not enforced? Was it not plain that the feelings of the country were against such laws, and that they had fallen into disuse because they could not be enforced? He would now point out why he could not support the clause independent of the amendment. If the people were told that they could not walk in the parks, purchase an orange, or enjoy any innocent recreation on the Lord's Day (and such would be the effect of the clause), he was convinced that demoralization to a greater extent than now prevailed would be the consequence, for in such a case the gin-shops would be resorted to instead of the parks. But it might be said, "shut up the gin-shops," and he agreed that such a course might be resorted to, but what would be the effect? They might depend upon it, that if deprived of innocent enjoyments, the shutting up the gin-shops would not prevent the people from obtaining ardent spirits. He had lately read that the Sultan of Turkey had ordered all the coffee-shops in Constantinople to be shut on certain days, and what was the effect? It was observed, that the number of barber's shops greatly increased; and it was discovered that the people obtained there clandestinely what was denied them in the usual coffee-shops. They might then enact that the gin-shops should be shut; but if they did so, and if they prevented the people from taking innocent recreation on the Lord's-day, they might depend upon it that they would force them to seek concealed enjoyments —a greater evil than the bill proposed to cure. For those reasons he should, when the question was put "that the clause stand part of the bill," give the motion the most strenuous opposition.

Mr. *Jervis* was as sincere as the hon. Gentleman in his desire that any bill which might pass should be as perfect as possible, for no one more sincerely wished than he did that any bill which might be passed should not be liable to the objection which he had stated against this bill, that it drew invidious distinctions between the two classes in the country. He hoped that his hon. Friend had never travelled on Sundays, and that the hon. Baronet, the Member for the University of Oxford (Sir H. Inglis) had never been on a railway on Sundays. The higher classes made their servants work on a Sunday, and he meant that the bill should apply to them, for what would the poor say if the rich were riding or driving about on a Sunday, whilst they were prevented from taking any recreation? He meant to press his amendment to a division, that he might test the sincerity of the supporters of the bill.

Mr. *Vernon Smith* hoped, that the hon. and learned Member would give him credit for sincerity, although he should certainly oppose the hon. Member's motion, for this reason, that he was generally opposed to the bill and to every clause of it. The reason of his opposition was the same as gave rise to the amendment, that the whole bill was levelled against the poorer classes. He would venture to say, that gentlemen might have any entertainment they pleased, that they might pursue any debauchery they pleased, that they might practise any vice they pleased, and that the provisions of the bill would not be brought into operation against them. He would not oppose the bill if he saw reason to believe, that it would be equal in its operation; but he in vain looked for this. The 5th Clause alone was sufficient to throw out the bill. It enacted, that any magistrates, constables, or parish officers, either with or without the authority of a warrant, might seize all articles of goods exposed to sale. There would be no relaxation for the justices or the officers, but Sunday would be to them a day of labour of rather an unpleasant nature. He had no hesitation in saying, that the bill would not only be prejudicial to the interests of society, but also to the interests of religion. The effect of it was entirely and absolutely to check the amusements of the poor; for it was impossible to suppose, that so many persons could on every Sunday quit the smoky atmosphere of London for the more salubrious air of the parks, or even more distant places of recreation, without taking some refreshment.

Mr. *Goulburn* denied, that the sabbath was a day only for recreation. There were other and better objects to which it ought to be applied, and which ought not to be given up. The bill was not intended to suppress working, as it appeared to be supposed by the hon. Member for Chester, but to suppress trading.

Mr. *Villiers* hoped the hon. Member for Kent would say distinctly on what principle it was that he recommended this bill, and he contended, that he had a right to demand this. All parties must be equally bound by the same law, and if it was intended, that the principles of religion would be acted upon, the same enactment must be applied to all.

Mr. *H. Kemble* contended, that the effect of the bill was to protect the lower classes, and he thought, that this was sufficiently shown, because so soon as the principle of working on the sabbath should be introduced the holiness of the day would be forgotten, and they would be compelled to work for seven days for the wages which they hitherto received for six days. He advocated the bill, therefore, as the friend of the poor, and he must say, that it would not operate upon them harshly, because they could meet at each other's houses, as persons in a higher walk of life might.

Mr. *Hawes* wished to ask, whether the hon. Member meant to protect domestic servants by its provisions? Did he mean to say, that he would take his coachman to drive him to church on a Sunday, and that in the event of the servant refusing to do so he would discharge him? Was not that servant as much entitled to rest as any of his clerks, or as his baker, or any other tradesman? If such was not the intention which the hon. Member had in view, he must say, that he was not consistent; for he professed to benefit the lower classes, while in reality he intended to confine one very extensive class to their ordinary work as much as they had ever been confined.

Viscount *Dungannon* must oppose the bill, as he conceived it impossible to legislate on the principle proposed to be introduced; but at all events he must enter his protest against the system proposed, by which one law would be given to the rich and another to the poor.

Mr. *Howard* opposed the bill, and he thought the best mode of trying the question would be, to take the sense of the House upon an amendment which he should move, that the Chairman should report progress and ask leave to sit again.

The Committee divided on Mr. Howard's motion to report progress:—Ayes 34; Noes 84: Majority 50.

List of the AYES.

Aglionby, H. A.
Aglionby, Major
Bannerman, A.
Chalmers, P.
Collins, W.
Duckworth, S.
Duke, Sir J.
Dungannon, Viscount
Finch, F.
Gordon, R.
Grote, G.
Hawes, B.
Hawkins, J. H.
Hume, J.
Hutt, W.
Johnson, General
Leader, J. T.
Marshall, W.
Ord, W.
Parker, J.
Pechell, Captain
Rumbold, C. E.
Salwey, Colonel
Slaney, R. A.
Smith, B.
Stansfield, W. R. C.
Strutt, E.
Thornley, T.
Turner, W.
Vigors, N. A.
Villiers, C. P.
Warburton, H.
Ward, H. G.
Williams, W. A.

TELLERS.
Howard, P.
Brotherton, J.

List of the NOES.

Adare, Viscount
Attwood, M.
Bagge, W.
Bainbridge, E. T.
Baines, E.
Bewes, T.
Blackburne, I.
Blair, J.
Blandford, Marqs. of
Boldero, H. G.
Bramston, T. W.
Broadley, H.
Brocklehurst, J.
Brodie, W. B.
Burroughes, H. N.
Campbell, Sir H.
Campbell, W. F.
Cayley, E. S.
Chapman, A.
Darby, G.
Dennistoun, J.
Duncombe, hon. W.
Evans, W.
Farnham, E. B.
Fleming, J.
Gillon, W. D.
Godson, R.
Gordon, hon. Captain
Goulburn, rt. hon. H.
Hastie, A.
Henniker, Lord
Hindley, C.
Holmes, hon. W. A.
Holmes, W.
Hope, hon. C.
Houstoun, G.
Hurt, F.
Inglis, Sir R. H.
Jackson, Mr. Sergeant
James, W.
James, Sir W. C.
Jervis, J.
Jones, T.
Kemble, H.
Kinnaird, hon. A. F.
Langdale, hon. C.
Litton, E.
Lockhart, A. M.
Lowther, J. H.
Mackenzie, T.
Morris, D.
Nicholl, J.
Packe, C. W.
Pakington, J. S.
Pease, J.
Philips, M.
Power, J.
Praed, W. M.
Pringle, A.
Rice, E. R.
Richards, R.
Rolfe, Sir R. M.
Round, J.
Sandon, Viscount
Sanford, E. A.
Scholefield, J.
Shaw, right hon. F.
Sheppard, T.
Sinclair, Sir G.
Smith, R. V.
Stanley, W. O.
Stewart, J.
Style, Sir C.
Talfourd, Mr. Sergeant
Thompson, Alderman
Tollemache, F. J.
Turner, E.
Vere, Sir C. B.
Verney, Sir H.
Wallace, R.
Welby, G. E.
Wood, Sir M.
Wood, Colonel T.
Worsley, Lord

TELLERS.
Plumptre, J.
Freemantle, Sir T.

The Committee again divided on Mr. Jervis's amendment:—Ayes 39; Noes 68: Majority 29.

List of the AYES.

Aglionby, H. A.
Aglionby, Major
Bainbridge, E. T.
Bannerman, A.
Bewes, T.
Brodie, W. B.
Campbell, W. F.
Chalmers, P.
Collins, W.
Dennistoun, J.
Duke, Sir J.
Finch, F.
Gillon, W. D.
Hastie, A.
Hawes, B.
Hindley, C.
Hutt, W.
James, W.
Johnson, General
Parker, J.
Pease, J.
Pechell, Captain
Power, J.
Rumbold, C. E.
Salwey, Colonel
Sanford, E. A.
Scholefield, J.
Smith, B.
Stanley, W. O.
Stewart, J.
Talfourd, Sergeant
Thornley, T.
Tollemache, F. J.
Turner, W.
Vigors, N. A.
Wallace, R.
Ward, H. G.
Williams, W. A.
Wood, Sir M.

TELLERS.
Jervis, J.
Villiers, C.

List of the NOES.

Adare, Viscount
Bagge, W.
Baines, E.
Blackburne, I.
Blair, J.
Blandford, Marquess
Boldero, H. G.
Broadley, H.
Brocklehurst, J.
Brotherton, J.
Burroughes, H.
Campbell, Sir H.
Cayley, E. S.
Darby, G.
Duckworth, S.
Duncombe, W.
Dungannon, Viscount
Evans, W.
Farnham, E. B.
Fleming, J.
Godson, R.
Gordon, R.
Gordon, Captain
Goulburn, H.
Grote, G.
Hawkins, J. H.
Henniker, Lord
Hinde, H.

Holmes, W.
Hope, hon. C.
Houstoun, G.
Hurt, F.
Inglis, Sir R. H.
Jackson, Sergeant
James, Sir W. C.
Jones, T.
Kemble, H.
Kinnaird, A. F.
Langdale, hon. C.
Leader, J. T.
Litton, E.
Lockhart, A. M.
Lowther, J. H.
Mackenzie, T.
Morris, D.
Nicholl, J.
Packe, C. W.
Pakington, J. S.
Praed, W. M.
Pringle, A.
Rice, E. R.
Richards, R.
Rolfe, Sir R. M.
Round, J.
Sandon, Lord
Shaw, right hon. F.
Sheppard, T.
Slaney, R. A.
Stansfield, W. R. C.
Style, Sir C.
Thompson, Alderman
Vere, Sir C. B.
Verney, Sir H.
Warburton, H.
Welby, G. E.
Wood, Colonel
Worsley, Lord

TELLERS.

Plumptre, J.
Freemantle, Sir T.

Mr. Jervis moved, that the Chairman report progress and ask leave to sit again.

The Committee divided:—Ayes 49; Noes 56; Majority 7.

Other similar motions having been submitted, and it having been found impossible to proceed with the bill, the House resumed.

Committee to sit again.

[The Members who voted for and against Mr. Jervis's amendment being also those who in general voted for and against the successive motions for the Chairman to report progress, it seems unnecessary to repeat the list of their names.]

HOUSE OF LORDS,

Thursday, June 21, 1838.

MINUTES.] Bill. Read a first time:—Benefices Pluralities.

Petitions presented. By Earl STANHOPE, from the Guardians of the Poor of St. George's, Southwark, against the New Poor-law.—By the Duke of RICHMOND, from the city of Chichester, and from Woodchurch (Herefordshire), and by Earl FITZWILLIAM, from York, for reducing the rates of Postage.—By the Earl of SHAFTESBURY, from a parish in Dorset, that Church Property might be administered without the intervention of Ecclesiastical or other Commissioners —By the Marquess of DOWNSHIRE, from the Landowners of Kilmany, against the Poor Relief (Ireland) Bill.—By the Duke of RICHMOND, from Protestant Dissenters in Lancashire, and by Earl FITZWILLIAM, from Whitby (York), against additional Grants to the Church of Scotland.—By Earl FITZWILLIAM, from Tipperary, in favour of Cheap Knowledge.—By the Earl of YARBOROUGH, from Protestant Dissenters of Ryde, Isle of Wight, for the Immediate termination of Negro Apprenticeship.

LORD BROUGHAM'S LANGUAGE.] Earl *Stanhope* presented a petition, from the inhabitants of the borough of Ashton-under-Lyne, praying, that the new Poor-law, and all other laws at variance with the 43rd of Elizabeth, might be repealed. He did not know whether the rev. Mr. Stephens, who was present at the meeting, had signed the petition, but he could state, that he had never used the inflammatory language which had been imputed to him in the reports, and which came from the same source as some expressions of the noble and learned Lord opposite, said to be used at a large public meeting, and which were not only inflammatory but treasonable.

Lord *Brougham* did not think, that he should ever have lived to have been charged with treason, and he was glad to learn from the noble Earl, that the inflammatory language attributed to the rev. gentleman was not less false than the expressions imputed to him. The expressions were attributed to him in a speech said to have been addressed to assembled thousands in Birmingham; and it was quite untrue, that he ever addressed the people of Birmingham, because he had never stopped there, except to change horses, once at night and another time early in the morning. The paper which he had seen, laid the venue in Birmingham, but another laid it in Yorkshire; but it was absolutely untrue, that he had stated during his canvass of the county of York, in the year 1830, that "he hoped to live to see the day when the heads of kings should be made footballs for boys to kick along the streets." Whether that was his usual mode of addressing himself he would leave their Lordships to judge. It was not treason—it was nonsense. He had given an opinion, without any allusion whatever to footballs, when speaking of the ministers of that deluded prince Charles 10th, respecting whom and their master he had said when the news arrived, that the military had attacked the people, and that the French were mown down by grapeshot in the streets of Paris, that they had acted treasonably, and that for the murders which they had committed they deserved to lose their heads; and what he had said in Yorkshire, he repeated in that House and in their Lordships' presence. But being an enemy to all sanguinary measures and averse to capital punishments, except where absolutely indispensable, and particularly for political crimes, thinking, that much allowance ought to be made for such offences, he had the satisfaction of afterwards doing that of which the parties, were, he believed, fully aware, for he had received communications from them and their friends, containing their hearty thanks; he had communicated strongly and fully the opinion and the entreaties, not of himself alone, but of his friends, to the late gallant general the illustrious Lafayette, for the express purpose of preventing the execution of capital punishments on the unhappy individuals who had committed those crimes, and in this, he believed, that he spoke the opinion of the Liberal party in this country, to whose approval the French people at that time earnestly looked; and he had done the same thing in Paris in 1834, when he had endeavoured to shorten the term of imprisonment.

Earl *Stanhope* said, that it was not necessary for the noble Lord to have made those observations to satisfy his mind, for he had never understood the noble Lord's speeches as they had been represented, but he only mentioned the accusation to show, that the speeches at public meetings were not always correctly reported.

Petition laid on the table.

Poor-law (Ireland).] Their Lordships in Committee on the Poor Relief (Ireland) Bill, it having been, on the motion of Lord Ellenborough recommitted.

Lord *Ellenborough* wished to point out to their Lordships the effect of the first clause. It purported to enact, that the poor-law commissioners for the time being should be the commissioners to carry this act into effect; but, in point of fact, the commissioners in England would not be the parties carrying the bill into execution; for, as the bill at present stood, the one commissioner who should be appointed by her Majesty's Secretary of State for the Home Department to reside in Ireland would have the whole authority vested in himself, except the authority of making general rules. Therefore this bill would, in reality, create two sets of commissioners; for there were no means by which the commissioners in London could control the commisioner in Dublin, unless the whole body of them were to go to Ireland to vote against him, nor set his acts aside, except by overruling his decisions, on his attending in London and making his report, as he was once a-year by this act required to do. In all other respects that commissioner would be independent of, and coequal with, the commissioners sitting in London, He mentioned this, not for the purpose of proposing an amendment now, but to call their Lordships' attention to the fact, that this bill was to be carried into execution by one commissioner only.

On Clause 3, enacting that the administration of relief should be under the control of the commissioners,

The *Lord Chancellor* proposed, as an amendment, that after the word "workhouses" the words "houses of industry and foundling hospitals" should be inserted. This he did in order to meet the necessity that would arise of providing for the poor in those places during the intermediate period between the passing of the bill and the erection of workhouses.

Lord *Carbery* was apprehensive that this bill would very seriously affect the interests of those who were the inmates of foundling hospitals in Ireland; and more especially the institution of that description which existed in the city of Cork, and where there were at present no less than 1,500 children who had no parents and no other asylum. At present a fund was raised from a tax on coal for the support of the Cork Foundling Hospital; but according to the provisions of this bill, that fund would be no longer available for the immediate benefit of those orphan children to whose support it was now applied.

Lord *Brougham* confessed, that enemy as he was to the bill altogether—and his enmity was not at all changed by the amendments which had been made in the bill, some of which indeed made it worse, while some would prevent its operation altogether—though that might be considered a set-off—yet he did believe, that by this little ray of light in the darkness of the prospect he saw that this bill would put an end to a great public nuisance, for he held, that foundling hospitals were positively, and to all intents and purposes, the greatest public nuisances that could be maintained in any country, tending to work very great injury to the morality as well as great injury to the prosperity of the country in respect to the encouragement it gave to illicit connections and clandestine marriages. He had heard that there was an opinion prevailing in France that there was a foundling hospital in London with an income of 40,000*l.* a year; but there was no such thing. The foundling hospital, as it was called, had been for the last sixty-years prohibited by Act of Parliament from receiving a foundling on its foundation, for no child could be received unless there were a previous examination of the parent. That, of course, took away from the establishment the character of the Foundling Hospital, and that circumstance got rid of his objections to the institution.

Amendment agreed to.

The Marquess of *Salisbury* moved, that a clause should be introduced. He thought that the English workhouse test was not at all sufficient, more especially in Ireland, where the scale of living was already so low that no reduction could be made in it. His proposition was, that no man should be admitted into the workhouse unless he contracted to perform a certain quantity of work, or to remain in the workhouse during the time in which it might be done; and the clause which he intended to propose had for its object the placing of a discretionary power in the hands of the guardians as to the time to which the confinement of the pauper should be extended. In every trade a workman was liable to punishment if he did not perform his work, and there was every reason for this principle being carried out in the present instance.

Lord *Portman* said, that there was one point to which the clause of the noble Marquess did not apply. It made no provision for the payment of the paupers. The object of the bill was, to provide for destitute persons, by setting them to work and employing them, but if a man was to be employed and compelled to work, he must be paid. If this clause were introduced, the noble Marquess must follow it up by others for the payment of money to them. Besides, if the men were to be compelled to work, work must be found for them; but then, if twelve acres only were to be allowed to be attached to each workhouse, it would be impossible to provide them with that sort of labour for which in all probability they would be best fitted.

The Duke of *Richmond* contended, that it would be infinitely better that the principle adopted in the English measure should be carried out here too. Under the English measure the amount expended in the support of the pauper was claimed of him after his discharge, and was stopped from the wages which he subsequently earned by means of an attachment issued by a justice of the peace.

The Marquess of *Salisbury* said, that with regard to the objection of the noble Duke he should have no hesitation at all in introducing a clause by which a system of loans should be established in conformity with the plan adopted in the English law. The attachment of wages was a system which could not be carried into effect, for it would be recollected that the great proportion of the labouring population in Ireland were in the habit of visiting this country during the summer season, and he thought, that but little respect would be paid here to an attachment issued by an Irish magistrate. He would, however, consent to adopt an amendment to his proposed clause by which the power of the guardians should be limited. As to the payment of money, the persons who were in the workhouse were in the same situation as servants who were on board wages. They worked for their living and clothing, but received no payment in addition.

The *Lord Chancellor* said, that it might be, that the situation and condition of the men admitted into the workhouse might change, and the further compelling them to remain in the house would be an act of injustice. The object of the bill besides was to relieve as far as possible by admitting them into the workhouse, and yet there might be a case of a man capable of working who should not be permitted to quit the workhouse to earn a livelihood for himself and his family, but he must remain in the workhouse and receive nothing for his trouble but his living.

Lord *Redesdale* would point out to their Lordships that no contract could be binding unless there was a consideration.

The Marquess of *Salisbury* would not press his clause, but move its introduction on the report being brought up.

Clause withdrawn.

The clauses of the Bill to the 63rd. were gone through, and the House resumed. Committee to sit again.

HOUSE OF COMMONS,

Thursday, June 21, 1838.

MINUTES.] Petitions presented. By Mr. WALKER, from Bury (Lancashire), in favour of the Factories Bill.—By Mr. PEASE, from the Directors of the Western Railway, and from the Directors of the Birmingham Railway, against any Bill to compel them to carry the Mails.—By Mr. O'Connell, from Merchants, Brokers, and others of Dublin, against the monopoly of the Bank of Ireland:—By Mr. Loch, from Wick, in favour of the Small Debts Bill; and against the Abolition of the Convention of Royal Burghs.—By Mr. Rumbold, from Great Yarmouth, against Clauses of the Pilotage Bill.—By Mr. Wallace, for a reduction in the rates of Postage.—By Mr. W. Duncombe, from the Guardians of Easingwold Union, for the Amendment of the New Poor-law.—By Mr. Warburton, from individuals, complaining of the course adopted by Government for the adjustment of their claims on Spain.—By Viscount Sandon, from Merchants of Liverpool, complaining that Foreign Commerce was not supported.

NAVAL ARCHITECTURE.] Viscount *Ingestre* said, the question of Naval Architecture was one that had given rise to considerable party feeling, making it most difficult to get at anything like the truth. In 1806, it was stated, that the subject of naval architecture had been very much neglected in this country, and a commission had been appointed which recommended the establishment of a school of naval architecture, which was accordingly done in 1810 or 1811. Several gentlemen had been induced to enter these schools under certain conditions, which were, that they should receive a liberal education, which must have cost a considerable sum, and enter into a bond of 500*l.* not to leave the service for ten years after they had been discharged from the school, making it a period of seventeen years. He contended, that those gentlemen had not been well used, from the course which had subsequently been taken by Government. The object of the first return for which he meant to move, was to ascertain the offices to which the scholars of the naval school of architecture had been appointed. As to the other returns of the trials between various ships, those trials had been going on for a series of years. He knew he should hear, that the reports had been very conflicting, but what he contended for was, that these trials ought to be conducted under the charge of some officer competent to give an opinion. The experiments made under the present surveyor of the navy had cost the country between 1,000,000*l.* and 1,500,000*l.* He had selected a return of those vessels which he thought likely to afford some result. He hoped the gallant admiral would accede to the returns, which he brought forward in no spirit of hostility. The country had a right, decidedly, to know which were the best ships. He had never been at sea in any one of them, but thought that, with the quantity of material, more efficient ships might be made. The noble Lord was then understood to say, that there were other points connected with the management of the navy he was desirous to press on the attention of the Admiralty—one was, as to the way in which ships are sent to sea short of hands. As to impressment, he would be sorry it should be continued if it was possible to do away with it, but he thought, that the best way would be, to keep up the full complement of men in ships sent to sea in time of peace. The building of the ships was of very great importance, and the best interests of science required the appointment of a scientific board, to whom all experiments might be referred. This would be a great assistance to the Lords of the Admiralty. The noble Lord concluded by moving for a variety of returns, part of which were granted.

CONVENTION OF EVORA MONTE.] Sir *R. Peel* said, he wished to put a question to the noble Lord with respect to a matter which he thought well deserving the attention of the House, involving as it did the interests of humanity. It related to certain persons who were now in confinement under a treaty called the Treaty of Evora Monte. That treaty was made in the year 1832; it was a treaty to which an English Minister was a party, and the fulfilment of which was guaranteed by Great Britain. The guarantee having been given by the British Government, was the reason why he put the question he intended to address to the noble Lord, because the engagement entered into under the treaty was one to which the faith and honour of the English nation were distinctly pledged. The treaty related to certain Spaniards who accompanied Don Carlos to Portugal, and delivered themselves up in 1834 to the British Government. He contended, that the words of the treaty implied, that whenever the individuals in question could be removed without danger to themselves they should be entitled to their liberation. In the last papers that were received from Sir G. Villiers some hopes were held out, that means would be taken for the relief of those persons. It appeared, that the Spanish Government had objected to the release of those Carlist prisoners confined at Lisbon, but, that the result of an application to the present Minister of that country was an assurance, that immediate steps would be taken to effect an exchange. He begged to ask the noble Lord, first, whether any later intelligence had been received from Sir G. Villiers calculated to strengthen the hopes which had been held out, that steps would be taken for the relief of those persons? The next question he wished to put to the noble Lord was, whether he was of opinion, that those persons, under the articles of that capitulation, as guaranteed by Great Britain, could be considered as prisoners of war; and also, whether the terms of the treaty must not be held to imply, that their custody should be provisional, and, that they were entitled to relief whenever it could be safely afforded to them?

Viscount *Palmerston* never thought, that those persons were entitled to their release unless by exchange, in the same manner as other prisoners of war. The right hon. Baronet would perceive, on reference to the papers laid before the House, that the treaty in question had not been concluded under the guarantee of Great Britain. It was a treaty between the Portuguese marshal and Don Miguel, and the question of the followers of Don Carlos became a subject of consideration while it was under discussion. Don Miguel's representative said, that he had nothing at all to do with Don Carlos's people, and disowned them altogether. By this act they were in danger of being excluded from the benefit of the convention. But Mr. Grant, who is connected with the embassy at Lisbon, was despatched by Lord Howard de Walden to the scene of negotiation, and on ascertaining the fact, he said he could not suffer such a thing to take place. Very properly he offered himself on the spot as the plenipotentiary of Don Carlos, and in that anomalous character, less than as an official member of the British embassy, he signed the articles of the treaty of Evora Monte with the Duke de Terceira. The question, therefore, to be considered was, whether the articles entitled the Spanish prisoners in Portugal to be liberated and sent free into Spain? In a report made by Mr. Grant to Sir George Villiers on the subject it was said, that any application of these individuals to return to Spain could only be determined by the Spanish Government. Thus it would be seen, that he, though the plenipotentiary of Don Carlos, considered, that they could not be released without the consent of the Spanish Government. They were all prisoners of war in consequence. Negotiations, however, were going on for their exchange; the Portuguese and the Spanish Government expressed themselves anxious for it; and though difficulties had sprung up to impede their negotiations, he had every hope, that they would be ultimately removed, that the exchange would be effected. The last accounts he had heard of them stated, that the negotiations were still going on.

Sir *R. Peel:* I do intreat the noble Lord to consider again the contents of these papers, and, if he sees the good faith of England involved in the question, to enforce the guarantee, and liberate the prisoners. I intreat the noble Lord to recollect, that Mr. Grant was not alone a diplomatic person connected with the British embassy in Lisbon, but that he was also sent by Lord Howard de Walden for the special purpose of watching over this treaty. Now, Mr. Grant reports to Lord Howard de Walden, as I perceive by these papers, that he has signed the engagement. And, whatever may be the noble Lord's view of the case, these people felt satisfied, that he had done so by the desire of the English Government. When the noble Lord says, that no guarantee has been given by this country, I cannot help thinking, that he has not read all the papers connected with this subject. Lord Howard de Walden says, that "h e Spanish Government has no claim to the prisoners, as the treaty of Evora Monte must be looked on as a treaty effected by the good offices, and sanctioned by the implied guarantee, of England." Now, without offering any opinion on it myself, I would entreat the noble Lord to give his best attention to the case; and if there be even an implied guarantee on the part of this country, I hope and trust he will see, that these persons get the benefit of it.

Viscount *Palmerston* said, that there was undoubtedly an implied guarantee, that the lives of these persons should be protected. The object of the convention was to secure them from Rodil, who was on the point of taking them prisoners, and if he had done so they certainly would have suffered the fate of rebels taken in arms. It was undoubted, then, that the honour of Great Britain was pledged, that these persons should not be given up to the Queen's Government for purposes of punishment. There never was a notion of that. The only question which could be raised was, whether they were to be set unconditionally free to join the ranks of Don Carlos, or were they only to be the subjects of an exchange. Looking at this matter over and over again, he came to the conclusion, that they were not to be allowed to go unconditionally free; that they were not to be allowed to go and join the ranks of Don Carlos (which it was known they would do), unless Don Carlos set free at the same time an equal number of persons of the army of the Queen.

Subject dropped.

SEIZURE OF THE VIXEN.] Sir *S. Canning* rose to move for the appointment of a Select Committee, to inquire into the following allegations contained in the petition of Mr. George Bell and others—namely, "That the petitioners have suffered seriously in their interests and characters through the seizure of their vessel, the Vixen, and her cargo, by a Russian man-of-war in the Bay of Soudjouk-kalé; that the intention of the petitioner, George Bell, to send a vessel to the coast of Circassia for the purpose of trading independently with the population of that coast was previously made known to her Majesty's principal Secretary of State for Foreign Affairs, and had his approval and sanction; and that the final arrangements for the vessel's voyage were, before she sailed from Constantinople, communicated to and expressly sanctioned by her Majesty's representative at the Sublime Porte." He observed, that he rarely took part in the debates of that House, and that he still more rarely took upon himself to originate a question, but when he considered the important commercial interests which were involved in this question; he could not resist the strong sense of duty that impelled him to bring the subject under the consideration of the House. The petition to which he referred, related to the capture of a British vessel in the Black Sea in the year 1836. The official papers on the subject were not laid upon the table of the House till so late in the last Session, that the attention of Parliament could not be directed to it. The vessel sailed from London on the 29th of October, and arrived at Constantinople on the 19th of November. On entering the Black Sea, her first object was to make for the eastern coast, and no discouragement or misfortune occurred to her till she arrived at Soudjouk-kalé. A Russian armed brig arrived shortly afterwards, when the captain of the Vixen was informed he was engaged in a trade that interfered with a blockade established on the coast of Circassia. The Vixen was sent to the port of Sebastopol, where an Admiralty officer, it seemed, was a resident. The decision of the Russian Government proceeded on the representation of their officers in the Black Sea, and the ship and cargo were in the end condemned, on the ground of a violation of the fiscal regulations of the country. The decision of the Russian Government was received at Sebastopol on the 27th of January; the British flag was immediately taken down, and the Russian hoisted in its stead; the master and crew were put on board the Ajax, the captor, and despatched to Odessa, whence they were afterwards sent, at the expense of the Russian Government, to Constantinople. The first consideration connected with this transaction to which he would call the attention of the House was, the motive which appeared to have influenced the merchants engaged in the enterprise. Mr. Bell, the principal in the concern, had, it appeared, during his residence on the western side of the Black Sea, occasion to make certain inquiries and researches with respect to trade in the neighbourhood of those waters, and his attention had been drawn to works describing the great commercial facilities which the coast of Circassia presented to foreign trade. That his opinion was not erroneous as to the advantages to be expected from speculations in that quarter, might easily be shown by a reference to various publications. The right hon. Gentleman read several extracts from books of travels, and others to show that the resources of Circassia were incalculable. He thought the House would agree with him, that works representing the resources of Circassia as so very inviting and available, were sufficient to justify Mr. Bell in the hope of being able to derive great personal advantages, should circumstances admit of his forming a commercial connexion with the people of that country. While making up his mind upon the subject, some rumours reached him of a claim on the part of Russia of some indistinct kind to that part of the country; there was also some question of a blockade and other restrictions, described so vaguely that he could not comprehend their nature. Like a prudent man, anxious in following out his own interests not to leave the straight line of honest trade, he presented himself to that source where he might derive the most satisfactory information—he applied to the Foreign-office—and endeavoured to obtain, first by verbal communications, at a later period by written official applications, that information which it was so important for him to possess. Not content with obtaining such information as was within his reach at the Foreign-office, although he conceived he had obtained sufficient, on chartering the vessel and sending her to Constantinople his naturally prudent and cautious temper came again into action, and he would not allow her to proceed on her voyage without communicating with her Majesty's embassy at that place. It was painful to find that, embarked as he was in an enterprise of a legitimate character, and which held out such great advantages, in spite of all the precautions he had taken, a catastrophe so serious and painful as the loss of his vessel, under circumstances reflecting discredit on his character as a merchant, finally closed the transaction. To whatever cause that catastrophe was to be ascribed, he was sure the House would agree with him in thinking that not only in respect of the individual interest concerned, but in relation to the commerce and character of this country, it was one of the most deplorable character. The first question then which naturally presented itself was, to what an incident so fraught with grave considerations, and attended by such painful circumstances, was to be attributed? He believed he had already said enough to afford a fair presumption that the culpability did not rest with the petitioners. To whom, then, were they to ascribe it? He feared they must conclude, that a very grave responsibility attached to that department, and those in connexion with it, under whose sanction Mr. Bell's enterprise was undertaken. Such was the case which it was most painful for him to take up, and which he would refer to the committee of which he had given notice. The petition, he need not remind the House, contained a variety of allegations of the greatest interest and deepest importance. He did not propose to refer the whole of those allegations to the committee which he proposed should be appointed. The House would, no doubt, expect some explanation of the line he proposed to draw between the allegations he would refer to the committee and those he would not submit to that tribunal. The grounds on which the Russian officers proceeded to the seizure of the Vixen, and on which the Russian Government passed a sentence of confiscation on her—the irregularity of the proceedings in point of law, and the question which stood prominently on the printed paper with respect to the actual occupation of Soudjouk-kalé, all of which, in fact, were involved in the one legal consideration as to the right of Russia to the sovereignty of the Circassian provinces, he did not propose to refer to the committee. He was unwilling to moot the important question of the sovereignty claimed by Russia over these provinces. It was impossible for any hon. Gentleman to shut his eyes to the vast importance of that question. Any Member who took it up in that House, must be aware that he would set in motion a stone which, in its course, might crush many important interests, and be attended with painful consequences. In opening a question of so much difficulty, he should be taking on himself a task of too much magnitude; it was for Government—it was for those acquainted not only with the question of right, on which, no doubt, an adequate opinion might be formed in that House, but acquainted also with the important consideration of expediency, having regard to the position of the country and the degree to which they might count on its freedom, who could judge of its resources in respect of trade, revenue, and establishments—it was for those at the head of the Foreign Department, who were best able to judge how far the conduct they had pursued entitled them to count on faithful and effective allies in the hour of necessity—it was for them to decide whether so great and extensive a question could now be taken up consistently with the other interests of the country. He was, therefore, restrained from referring to a Committee of the House of Commons those parts of the petition which would have the effect of opening that great question. The same consideration made him the more anxious to avoid any expressions beyond those of a general character, called forth by the question immediately under consideration, especially as the questions involved were not only important, but might occasion consequences not dangerous to this country so much as to the peace of Europe itself. The question was by no means a new one in this country. The capture of the Vixen had during the last eighteen months drawn from time to time a considerable degree of public attention to all the considerations involved in it. Various publications, some of high authority, had discussed the question, and the general points connected with it were known even to those who, not attending to the debates in that House, derived their knowledge of passing events from mere ordinary sources of observation. There were two questions of main consideration connected with this subject—first, whether the Porte, which entered with Russia into the treaty of Adrianople, under which the sovereignty of the Circassian coast was claimed—whether the Porte was so circumstanced with regard to it as to be able to cede that right of sovereignty to another. As far as he had the means of information, he must say, that the grounds of her right appeared of a very vague and indistinct character. He was perfectly aware, that there was a treaty between Russia and the Porte in the latter part of the last century, in which Russia acknowledged the sovereignty of the Porte over certain parts of the coast, and especially of Soudjouk-kalé; but, he repeated, his mind was not satisfied in general with regard to that claim. Supposing, however, that the Turkish Government had the right to cede those provinces to Russia, there was still another and very important consideration—whether the Russian Government, at that time, was in a position, fairly and honourably, to avail itself of the cession. The war between Russia and the Porte, which terminated in the peace of Adrianople, sprung out of the transaction founded on the treaty for the pacification of Greece; one of the principal provisions of which, and of the protocol signed by a noble Duke in another place, pledged each party in the most positive and solemn manner to abstain from any acquisition of territory, or any exclusive advantage. When, in consequence of the deafness of the Porte to the representations of the Powers allied on that subject, the war broke out between her and Russia, there was on the one side an anxiety to satisfy Europe, and more particularly England and France, that the Emperor of Russia had no intention to avail himself of the rupture in order to evade the stipulations of the treaty. Mutual explanations took place, and he believed he was justified in saying, that any candid mind brought to the consideration of the case must come to the conclusion, that, in point of honour, Russia was restrained from availing herself of her successes over the Turkish empire to increase her territory to the smallest extent; but when the acquisition extended to not less than 250 miles of a line of coast with an average depth of 100 miles, including not only Circassia but the whole of the mountainous range of the Caucasus, it was impossible not to be astonished at the claims which were now advanced. Another point which he would not refer to the committee related, as he had said, to the actual occupation of Soudjouk-kalé at the time the Vixen was captured. It was impossible, on reference to the printed papers, not to be struck with the contradiction between the statements on which the decision of the Foreign-office was founded and those proceeding from other quarters. No one could be more disposed than he was to give all due consideration to the statements made by functionaries holding such important and responsible situations; and it was far from his intention to do more than, in justice to the interests he represented on this occasion, to call the attention of the House to the differences which existed. If the noble Lord could remove the apparent discrepancy, he should be ready, at once, to admit the force of his observations; but until that explanation was afforded, it was impossible for him not to feel considerable uncertainty of mind as to the grounds on which his statement was made. The parties interested in the vessel, the captain, crew, and supercargo, all gave evidence that, at the time of the capture, no Russian force was in possession of Soudjouk-kalé. The printed papers contained a letter of a very remarkable character from a gentleman signing himself "Edmund Spencer," who accompanied Count Woronzow, and Mr. Consul-general Yeames, of Odessa, on a visit to the Circassian coast, about three weeks before the capture of the Vixen, and whose testimony agreed with that of the captain and of the crew upon this important fact. There was another point to which he wished for a moment to advert,—the irregularity of the capture. The seizure was justified under the plea of a blockade. There was the letter of the Russian admiral himself; it was impossible to read that letter without entertaining the conviction that his (the Russian admiral's) impression must have been, that the ground of capture was the violation of a blockade. In this view of the case, great hardship was obviously entailed on the petitioners, the Russian Government having taken up the question without reference to blockade, but simply on the ground of fiscal regulations. He proposed to refer that part of the petition to the committee which related to the degree of sanction under which the petitioners were supposed to have entered on their enterprise in consequence of the communications they held with the Foreign Department and the Embassy at Constantinople. It was important that this matter should be cleared up, not only with reference to the petitioners, but to the character of the Administration of the country. The petitioners, as he had stated, had applied for information at the Foreign-office, and their conviction was, that the right of Russia to interfere authoritatively with respect to Circassia was not recognised by the Foreign Department; but that, in fact, there was a disposition to view with satisfaction an undertaking which was likely to open that province to British trade, and bring to issue the question between the two countries. Mr. Bell applied to the Secretary of State for Foreign Affairs, and addressed to him the letter which stood first in the printed papers. The answer Mr. Bell received from the noble Lord could not be read without feelings of great surprise. He should have thought, under the circumstances of the case, which were perfectly new, the noble Lord, in consideration of the commercial interests of the country, would have been anxious to supply what information his office afforded to merchants who applied for it. He was aware, that on some occasions it might be embarrassing to give information to an individual on any point connected with the trade of the country. But there were also modes well known to the noble Lord in his administrative practice, in which it was possible to convey his answer in such a manner as should not carry with it a character of evasion. It was not, of course, his intention to impute any improper object to the noble Lord, but such were the circumstances which characterized the transaction, that if such had been his design it could not have been more complete. With reference to blockade, it had been the practice to communicate the fact to the public through the *Gazette;* but there were other established modes of communication between the Foreign-office and the public, analogous to communication by the *Gazette.* This was a point of difference between Mr. Bell and the noble Lord. He wished to know how it was with respect to the practice of communicating matters of this kind through a public channel. If the noble Lord had any doubt on this point, he would refer the noble Lord to specific information. He had received a letter from the chairman of Lloyd's, who had been a member of the House not long ago—Mr. Robinson—of whom he had made inquiry, and who had informed him that it was the usual practice for communications to be made to Lloyd's from the Foreign-office, or Treasury, or Admiralty, relative to the blockade of foreign ports; and that it did not appear from the books of Lloyd's that any notification whatever had been received of the blockade of Circassia from any of the public offices. Another part of this question was connected with the proceedings of the embassy at Constantinople. Mr. Bell, knowing nothing on the subject of the blockade from the *Gazette,* and from the silence of the public offices, naturally thought that he might, without danger to his property or his character, embark in this enterprise, and he ordered the ship to sail, and not without some mark of favour from the embassy at Constantinople. At Constantinople the principal actor in the transaction was the brother of Mr. Bell, and who shared his fate. Mr. James Bell was as anxious to ascertain that there was no objection on the part of the Government there as Mr. George Bell had been here. He applied to Lord Ponsonby, and he (Sir S. Canning) had a memorandum of what passed between Mr. Bell and his Majesty's Ambassador. Mr. Bell was so anxious that he should not mistake what had occurred in the conversation, that he sent the memorandum to the Ambassador, and begged to know whether it was correct. The reply of Lord Ponsonby was this,—he transmitted a copy of a despatch, containing what he had stated of the conversation, and he accompanied it by a note, which did not appear amongst the papers, but of which he (Sir S. Canning) had a copy, stating, that he recognized no essential difference between Mr. Bell's memorandum and the despatch he had sent to the noble Lord. But for this circumstance, he might have suspected that Mr. Bell had fallen into a mistake; but the memorandum of Mr. Bell must now be taken as part and parcel of the transactions between him and the Ambassador. The despatch containing the renewal of the Russian regulation had been received at the Foreign-office on the 13th of October, and had been communicated to Lord Ponsonby before the Vixen sailed. Lord Ponsonby did not desire Mr. Bell to wait, but suffered him to proceed on his enterprise, only with a caution that he should not evade the blockade. He (Sir S. Canning) did not impute to our ambassador at Constantinople any conduct inconsistent with his sense of public duty; but he inferred, that that noble Lord, somehow or other, fancied that his view of the subject would not be unpalatable to the Foreign Department. From these circumstances the House would agree with him that sufficient reasons had been shown to bear out the petitioners in a *primâ facie* charge against the Foreign Department, both in England and Constantinople, of negligence with respect to the interests of British subjects; that the expedition had been undertaken with the good wishes of the Government and of the ambassador, and that if, unfortunately, the parties should suffer from any act of the Russian government, they were justified in expecting to obtain an indemnity for their loss from their own Government. This was by no means the whole case. When this part had been brought forward on a former occasion, the noble Lord had said, that he (Sir S. Canning) had acted uncourteously in bringing forward the petition as he did. But he had acted from a sense of duty, and he thought the House would agree with him, that it was desirable for the community, as well as for the noble Lord himself, that the public should be undeceived, if they were deceived on the subject. The matter having attracted a great degree of public attention, it called for investigation, and if the noble Lord laboured under any unjust imputation, it was most desirable that he should be relieved from the effect of mistakes and misstatements, and that the blame of those unjust allegations should be brought home to those who had endeavoured to practise deception. In the meantime, without the least desire to do more than to render justice to those who had placed confidence in him, he must press the subject on the House. There was a gentleman who had been placed by the noble Lord in a situation of confidence at Constantinople—a gentleman who was known at the Foreign-office, who had been appointed by the noble Lord, and whose appointment had been considered, not only here but abroad, as an intimation on the part of the Foreign-office of a disposition by no means favourable to Russia; and what came from a gentleman so circumstanced it was impossible the House could treat lightly. He did not say, whether the letter of that gentleman, which had appeared before the public, was worthy of credence or not, but he must say, that coming from such a source, a person so distinguished by the noble Lord himself, till some explanation was given of the letter, it was impossible to resist the impression it was calculated to make. A letter was quoted by that gentleman (Mr. Urquhart) from one of the under secretaries, a gentleman whom he highly respected, and when he found that letter placed under the eye of the public, he could not refrain from referring to it. Mr. Urquhart quotes Mr. Strangways' letter in the following manner:—

> "Mr. Strangways, in his second answer to my letter of the 7th of December, says, I cannot omit alluding to the capture of the Vixen without telling you that it has had all the effect on the public that you could have anticipated, and even more than I expected, knowing the temper of the people here. It is now under legal and Government discussion, so I need say no more. Bell's statements and his brother's documents tell very well for him. As the public here are very obtuse on foreign matters, *et il faut faire flêche de tout bois*, I wish, when the coast is cleared, which I hope it will be by this business, you could send some artist, or, better, a gentleman who can draw and write travels, &c., to make a tour in Circassia; it would do admirably for London, and be well got up here.' 'I should warn you, that in giving any accounts of the Vixen transaction, you may be liable to misrepresentation, as it would not be thought proper, if, being Secretary of Embassy, you had incited Mr. J. Bell to make the voyage as a diplomatic experiment; I can answer for its having been the intention of Mr. G. Bell long before in London. This hint comes from high authority.'"

There was another part of the letter to

which it was not necessary for him to refer at length. If the noble Lord was anxious that he should read it, of course he would do so but his object in not doing so was to save the time of the House. In another part of the letter Mr. Urquhart described the expression as coming from high authority, and in fact as being sanctioned by the noble Lord himself. He had merely stated the circumstances of the case, as they were related in the papers which had been made public, in order to draw the attention of the House to them, and he considered that he had discharged no more than his duty. On reviewing the whole of the circumstances, he thought one might be fairly struck with this fact—that those gentlemen who had embarked in an enterprise of a fair and reasonable kind connected with their own just interests, and immediately connected also with a large mass of the interests of this country, appeared to have taken every precaution, and to have done everything that was incumbent on them to remove from the nature of that enterprise every stain of irregularity. That appeared to be an object of which they did not lose sight, but, as far as circumstances would allow them, they carried it into effect. He thought the House would find, on going further into the subject, that until an explanation was offered of the facts referred to in the papers, there was something about those statements which justified the impression that the circumstances under which they entered on the enterprise were such as to exempt them from the charge of having done anything unfair or irregular. He thought after what had appeared in the papers before the House and those which he had the honour of bringing under its notice, that hon. gentlemen would agree with him that the whole circumstances of the case would justify him in asking for something more decisive than that which he proposed in his motion. It might, indeed, be a question whether upon a fair consideration of the whole of the circumstances, a resolution might not be submitted which should have the effect of at once vindicating the character of those gentlemen, and of placing them in a situation to expect that redress which their petitions demanded. But the motion with which he would conclude did not go to any such length, it only asked for inquiry in that form which was consistent with the usages of that House—that form which afforded the best opportunity for enabling the House to ascertain whether there was any real and substantial ground for the claim of the petitioners, and whether they had been acting either under false impressions, or with unfair views, and whether those who had taken any part in bringing forward their affairs in that House were themselves under the influence of any misinformation. The true mode of bringing this matter to a point, so as to satisfy the House, and through the House, the country, with respect not only to the transaction itself, but to the larger questions which were connected with it, was by granting that inquiry for which he now moved. He felt confident that the House would go with him, and that hon. gentlemen on both sides of the House, setting aside any considerations but those arising out of the case, would not endeavour to throw a veil over the transaction, but that, whatever might be the nature of the case, and the character of the persons concerned, whether they were persons high in authority, or merely mercantile men, the House would admit the propriety of allowing all parties to have an opportunity of vindicating their character against every charge, and of removing every doubt as to the correctness of their conduct. Leaving the question of state policy, as affected by the ephemeral influence of political partisanship, he must say he had always thought that the favouring of our national commerce, the protection of our merchants, and above all the principle of resistance to anything like foreign dominance, had been the most prevailing principles in the councils of the country on all occasions. But what was the character of this transaction? Let the fault be where it would, what was the result? Loss and discredit to every person connected with the voyage of the Vixen—loss to the nation of honour and influence, and of character, the most valuable of our national possessions. What had become of the ship, the cargo, and the owners? The owners were ruined men; being not only injured by this particular loss, but having their attention and resources diverted from other speculations. Could any one doubt the character of the Russian act of condemnation? The ship had been condemned as being engaged in an act of smuggling, and the captain and owners branded as common smugglers. And how was it with regard to the individual whose name had been brought forward to-night. What had been the result to that Gentleman, who was so highly favoured by the noble Lord a short time ago? He appeared to have been recalled under circumstances which could not be agreeable. And what had happened to the Circassians? The whole weight of the Russian empire had been brought down upon them. They were a people situated at a long distance from us, and subject to all the misrepresentations of travellers who were rife in romantic and vaunting stories, but they were not a people to be lightly esteemed by this country in connexion with this subject. Had hon. Gentlemen forgotten the records of history? Who formed the barrier between the barbarians that threatened ancient Rome and the Roman empire itself? This was a question of the greatest importance. Suppose we were placed in an unhappy situation of collision with Russia, her means of action must be infinitely increased by the subjugation of that country. Who would deny, that we were interested in the independence of Circassia? In addition to the unfortunate effects of this transaction of the Vixen to the parties concerned, it had led Russia to fix her attention on Circassia, and instead of our being enabled to nurse the resources of that country for our own advantage, we were compelled to stand still, and see that it was the state policy of Russia to turn a large force upon it to subdue it to her own purposes, not, indeed, as it appeared, with very great success; but still the consequences must be injurious to us as a nation, and eventually the entire subjugation of the Circassian territory was likely to be the result. He did not say, that the Foreign Department had been the culpable cause of all this, but he said, that such was the allegation on the face of the papers; and, therefore, considering the importance of the case, and the consequences arising out of it to the commercial and political interests of the country, he thought it could not be denied, that the House ought to inquire into the whole matter. He hoped the House would permit him to draw its attention to another point. This was not the first time they had heard complaints of indifference to the commercial interests of the country. He understood that a petition had been presented that night by the noble Lord, the Member for Liverpool, on this very subject. Did the right hon. Gentleman (Mr. Poulett Thomson) mean to intimate that the petition was got up for the occasion? He asked that question because he had not seen the petition, and knew nothing of its contents beyond what the noble Lord who presented it, had told him—namely, that the prayer of it was, that greater attention might be paid to the interests of commerce, and that it bore the signatures of the members of the most eminent firms in Liverpool. It was no easy thing to get up a dinner of 350 persons at Glasgow, but the feeling displayed there, and at Liverpool, showed the opinion the public formed on this subject. He thought he did no more than was right to answer the inarticulate objection of the right hon. Gentleman, which would, perhaps, take a more eloquent form before the debate closed. But the charge of indifference in the Foreign Department was not the only complaint; there was another, that a great degree of apathy prevailed in that House on the subject of commercial affairs, as well as on foreign affairs. Was that a novel idea? Had they not heard the noble Lord talking of thin benches when foreign questions were debated, and drawing therefrom an inference of confidence in the Government? He thought he could quote eloquent passages from speeches of the noble Lord made when he was not under his present circumstances, but when he was on the less brilliant benches of the House, and on the less favoured side of the House, than he now occupied. He was then one of the first to draw attention to this apathy. If the noble Lord was at one moment to draw a picture of this apathy for the purpose of condemning it, and at another time to draw a favourable inference from it, he thought he had a right to say, when the subject came before the House, that they ought to give a forcible contradiction to any false opinion which might prevail, and, at the same time, by showing an earnest desire to go into a thorough examination of the transaction of the Vixen, to support their character, and bring to the consideration of this question that degree of interest, and attention, and duty towards the country which it so eminently deserved. If, upon every occasion when an effort was made by any hon. Member to awaken the House from its apathy, and to fix attention on a subject of such vast importance, additional proofs were not afforded of the earnest desire of the House to attend to it, the result would be most dangerous to its character. He was anxious, on constitutional grounds, that the House should increase its hold on the affection of the country, and that on this occasion they should not turn a deaf ear to the demand which had been made in the petitions which had been presented. He was aware he was but an inefficient advocate. Setting aside all other considerations, but of the duties which they owed to the country, he hoped both sides of the House would evince a disposition to do justice in this case, which, he believed, a reference of the question to a Select Committee could only secure.

Dr. *Lushington* commenced by stating, that he considered there was not one averment in the motion which had just been made by the right hon. Member which was not completely contradicted by the papers already on the table of the House. He was prepared to show, that the petitioners had not been in any way aggrieved; that if they had suffered loss either of property or character, it was with a full knowledge of the circumstances under which they acted, and that none but themselves were to blame. With respect to any encouragement which the petitioners pretended to have received from the Government at home, or its emissaries at Constantinople, he undertook to prove, that they were expressly warned of the danger of their undertaking, and fully informed of every fact necessary to guide them in their commercial proceedings. With respect to the charge of apathy brought by the hon. Member against the House on the subject of the commercial relations of the country, the charge was altogether groundless; for, representing, as he did, a large commercial constituency, he could undertake to say, that upon no occasion in which commercial relations were involved, whether the Danish claims or any other that had been brought under the notice of the House, had he neglected those subjects, or acted in respect to them in any other way than the dictates of his reason and his conscience pointed out. In saying this, he could speak in the same terms of the other hon. Gentlemen, who, like himself, represented commercial constituencies. Whatever view the right hon. Gentleman might wish to place this motion in, it amounted, in fact, to nothing else than a charge against her Majesty's Government. The question involved was simply this: whether Mr. Bell, being the owner of a vessel of 150 tons burden, and laden with some hundred tons of salt, had, or had not, received from the Government of this country that description of information on the subject of a projected expedition which Mr. Bell, and the right hon. Member also, conceived he was entitled to have received. He did not mean to say, that because the ship was a small one, the subject should be treated with less regard than if a larger vessel had been concerned. If a question of principle were involved in the case at all, that question would be just as well tried with a cock-boat having on board ten pounds of salt. Yet the right hon. Member said, he would not press this question of the principles of trade upon the House; which question he considered was the only question which they should discuss; and, therefore, he should now come to inquire whether the owners of this vessel were entitled to consider themselves aggrieved parties through any neglect on the part of her Majesty's Government. He contended, on the contrary, that when Mr. Bell commenced this correspondence, he was perfectly aware of the interruption of trade which existed on the coast of Circassia, and, with the knowledge of this fact, he wrote to the Foreign-office to ask whether it would be wise or expedient for him to undertake the farming of the salt mines of the Prince of Wallachia. He would now read Mr. Bell's first letter, dated the 25th of May, 1836.

"My Lord—We beg leave to inform your Lordship, that we have been urged by the Prince Hospodar of Wallachia to undertake the farming of the salt-mines of that country; and in the course of our inquiries as to the available outlets for their produce, we find the population of the countries along the whole circuit of the Black Sea, from the Bosphorus as far as the entrance to the sea of Azoff, to be importers of salt; but in consequence of the interruption of the relation between the Russian territories and the countries to the south of the river Kuban, a very large population, which formerly drew considerable quantities of salt from the Russian territory, is now deprived of that necessary of life.

"These considerations open up for the principalities a large outlet for the produce of their salt-mines, and which would immediately come into operation, but for the existence of a blockade by Russia of the eastern coast of the Black Sea.

"We, therefore, request the favour of your Lordship to inform us, whether there be any restrictions on the trade with that line of coast which are recognised by his Majesty's Government; for, although we have not for the present assented to the proposal of the Prince of Wallachia, yet we should gladly avail ourselves of it, should we have a favourable answer to this our inquiry; and, at all events, in consequence of our commercial connections with that country, we look with the greatest anxiety for a decision on this point, which so deeply affects the general interests of all the countries bordering on the Black Sea; and which more especially would open it up for much greater employment of British capital and shipping.

" We have, &c.

(Signed) GEORGE BELL & Co.

The communication from the Foreign-office, in reply, stated that Lord Palmerston

" Must decline giving any answer to the inquiries which Mr. Bell had submitted, and that the latter must himself make inquiries as to whether any restrictions of the kind to which he referred existed."

He now came to consider whether the Foreign-office was aware of the existence of this blockade, and whether if it were, it was bound to give that information to Mr. Bell, the absence of which he complained of. He would now beg to read Mr. Bell's letter of the 30th May.

" My Lord—We have the honour to acknowledge the receipt of Mr. Strangways' letter of this date, conveying your Lordship's reply to our letter of the 25th of May, relative to trade with the eastern coasts of the Black Sea; and we now beg leave to state to your Lordship, that we had no intention, nor does our letter appear to us to require any opinion from his Majesty's Government, as to whether we should, or should not, enter into the speculation therein referred to; the details which we gave pointed out a great field for British commerce, and were intended merely to show our object in making the only inquiry which we did make, and which we now beg leave to repeat, viz. — whether or not his Majesty's Government recognise the Russian blockade on the coast of the Black Sea to the south of the river Kuban. We presume your Lordship will admit, that any commercial house is perfectly justified in asking for information from his Majesty's Government on such an important subject as a question of blockade, of which no notification, so far as we can learn, has ever appeared in this country.

" We have, &c.

(Signed) " GEORGE BELL & Co.

It appeared, then, that Mr. Bell was aware of the existence of this blockade, and only asked the noble Lord whether it were recognised by the Government of this country. And what was the reply of the Foreign-office on this point, as contained in the letter of Mr. Fox Strangways, of the 2d of June? He would read an extract from that letter:—

" Lord Palmerston directs me to state to you in reply, that if your inquiry is retrospective, and relates simply to the fact whether the British Government has notified in *The Gazette* any Russian blockade in the Black Sea, your letter itself appears to contain an answer to the question which it asks. But if your inquiry is prospective, and is made for the purpose of ascertaining what the British Government would do in a hypothetical case, I have to inform you that it is the duty of his Majesty's Government to listen to any statement of grievance alleged to have been sustained by his Majesty's subjects, and to endeavour to obtain redress where it shall be made to appear that any real injury has been suffered; but it is no part of the duty of the Government to answer speculative inquiries. British merchants must, in their undertakings, be guided by facts which are public and notorious to all, and must not expect that the Government shall, for their particular and individual benefit, anticipate events and prejudge questions of international rights."

In reply to this letter, Mr. Bell wrote another letter, on the 4th of June in which he states:—

" We beg leave to state to your Lordship, that we do not make inquiries of either a retrospective, speculative, or prospective nature, but as to a fact, viz., the blockade of the coast of the Black Sea to the south of the river Kuban, which has existed, and up to the date of our latest intelligence still continued to exist; and lest we may not have clearly understood the tenour of your Lordship's reply, we think it proper to state that the conviction we derive from the perusal of it, as well as from the fact of no notification of that blockade having been published by his Majesty's Government, is that such blockade is not recognised by his Majesty's Government."

In answer to this letter, Mr. Fox Strangways wrote as follows:—

" In reply to your letter of the 4th of June, stating that the conviction which you derive from the perusal of my letter of the 2d of June, as well as from the fact of no notification of the blockade of the coast of the Black Sea to the south of the river Kuban having been published by his Majesty's Government, is, that such blockade is not recognised by his Majesty's Government; I am directed by Viscount Palmerston to state to you, that his Lordship can only refer you on this subject to *The Gazette*, in which all notifications, such as those alluded to by you, are made for the information of the parties interested."

Such was the correspondence which had taken place between Mr. Bell and the Foreign-office, from which it clearly appeared that Mr. Bell was fully aware of the fact of a blockade existing on the coast of the Black Sea. The question to which he now came was, whether it was the duty of the Foreign-office, and under what circumstances, to notify the recognition of any acts interrupting of trade on the part of foreign nations. He did not think it necessary that any general rule should be laid down on this point; which indeed would be on many accounts extremely inconvenient in practice. Of course, however, the Foreign-office would act with discretion and with a due regard to what it conceived the circumstances of each peculiar case required. Everybody, however, was aware of this general rule of international law, that any British subject who traded in foreign countries contrary to the laws of that place was guilty of a highly reprehensible act. With respect to any notifications from foreign powers on such questions, he believed that it was not incumbent upon them to notify except in cases of treaties with other powers, which they were then called upon to notify to the Foreign-office. As far as he had experience in his profession he could say, that it was not the practice, and had never been the practice with this office, to convey information to any individual merchant as to the rules and regulations of the financial or fiscal policy of a foreign country. But that which was the great question, and he agreed with the right hon. Gentleman that it was one of the most important connected with the subject, was, whether the territory in question could be ceded by virtue of the treaty of Adrianople between Turkey and Russia. The question was, whether this were a good and valid cession of the country by Turkey, when doubts were entertained as to the extent of the control which it possessed over the territory, and when it was uncertain whether it could exercise any acts of sovereignty over the natives, and that, therefore, although being sovereign of the country *de jure*, yet not being so *de facto*, the cession was not valid. And was this a question to be decided on the point that had been urged that night—was it to be determined on the raising of a question growing out of a speculating voyage from this country to the coast of Circassia? Suppose, however, that Turkey had had the undoubted control over this country, and had ceded it to Russia, and the latter had formerly recognised the authority of the former over this coast, after the cession, of course, she could claim the territory by the treaty of Adrianople. How was it possible, however, for the noble Lord, who was ignorant of the precise state of things when the question was asked him in June, 1836, as to the blockade of the coast, and as to the course he would pursue with the information in his possession at that moment, to say whether there were not some parts of the coast from which British merchants could not be excluded from trading without just ground of complaint? How could her Majesty's Secretary of State take upon himself to decide at once, with the imperfect information then before him, as to the course the Russian Government would take in 1836; and even if he was aware of all the facts of this great and important question, he doubted much whether it would have been expedient or just to give an answer on a speculative question. Suppose he had said, "True it is that Russia claims control over this coast, but in spite of this, go, "the petitioner then might have said, "I acknowledge the validity of your order, and I will go." Nothing, however, of the kind occurred, and would it, indeed, have been wise or prudent to raise the question of peace or war, the consequences of which no man could foresee, affecting as it would the interests of this great empire, and the well-being not only of this country? but perhaps of all Europe. Therefore no blame attached to the noble Lord for giving no information as to the state of affairs in that country, or his opinion as a guide to the conduct of these persons in a commercial speculation; and on this point he would repeat the opinion that he had before given, that it had been the wise and constant practice of the Government of this country, to advise merchants going to make new speculations with distant parts of the world, that they were bound to make their own inquiries as to the trade, and as to the fiscal laws of the country with which they traded. Not only, however, did the noble Lord refuse to take any part in this matter or refuse to communicate his advice, but when the subject was introduced to the notice of her Majesty's representative at Constantinople he acted in a similar spirit. Certainly nothing that was said by either of the noble Lords could dispose Mr. Bell to engage in his voyage from Constantinople to the coast of Circassia. Could any one read the first letter from Lord Ponsonby, unless they assumed that noble Lord to to have given utterance to the most wilful and false statements, without coming to the conclusion, which appeared to him to be inevitable, that Mr. James Bell, who was supercargo of the Vixen, was fully aware of all that the Russian government had done and were doing respecting this coast, and that notwithstanding this, Mr. Bell took upon himself—and he begged to state, that he blamed him not for having embarked in a mercantile enterprise of the kind—he took upon himself all the risk of the proceeding? He was surprised, after reading this letter, that the right hon. Gentleman could assert, that he believed, that this person engaged in this enterprise in consequence of his placing good faith in the Government, in which, however, he was deceived. Was the right hon. Gentleman not aware of the facts of the case; and what became, then, of the matter of grievance when they read the letters of Lord Ponsonby? Who could, after this, blame the Government for concealing the facts of the case from the persons who were about to send this vessel on this speculation? Lord Ponsonby, in his letter of the date of Oct. 18, 1836, said,

> "Mr. James Bell called on me yesterday. He asked me if I had received any intelligence concerning the blockade established in the Black Sea by the Russian Government, of a later date than that of the letters which had passed between the Foreign-office and his firm, relative to the fact of publication or non-publication in *The Gazette* of the above-mentioned blockade. I replied that I had not received any communication on the subject. He further asked, what was the communication made to this embassy by the Russian envoy in September last, relating to the blockade? I informed him of its tenor, and stated that I had communicated it to his Majesty's consul-general for the information of the merchants."

Thus, then, it was clear that he must have been aware of the facts of the case before he proceeded on his voyage. The letter thus proceeded—

> "Mr. Bell informed me that he was about to undertake, without delay, a voyage to the coast of Circassia on a trading speculation, and that he should act upon his knowledge that the blockade established there by the Russian government was informal and illegal."

How, then, could he say, that he had no intimation of it? and he challenged the noble Lord (Stanley) to find within the four corners of that paper that her Majesty's Government or her Majesty's representative at Constantinople had intimated to Mr. Bell that the blockade was illegal and informal. He was then prepared to show, that Mr. Bell was informed of the facts of the case, and was not misinformed by the Government, or other authorities, as to the law of the case. He said, that he expected to have his vessel seized, that he had no intention of acting under any disguise; that his end was to establish a trade in which he expected to find his interest; that his was a lawful commercial speculation and enterprise. Now, what was the result of this? Was it not clear, that he speculated on the chances of escape? Was he not aware of the risk that he ran? He might be asked whether the seizure was in conformity with the international law or not; but that question it was not then necessary to determine, for Mr. Bell chose to decide the question himself on his own knowledge, and if he was mistaken in his construction of the law, knowing as he did the facts of the case, he was alone to blame. If there had been an infraction of the international law on the part of the Russian government, they were to blame; and every British subject absent in foreign parts had a right, in case of the infraction of that law, to call upon his own Government to demand redress. But in a case of doubt and difficulty he had no right to demand that an answer should be given to him, and, above all, on a hypothetical case; and if he chose to run a risk, the judgment must fall on his own head if he was in the wrong, however we may regret the result. Mr. Bell stated, that his was a lawful speculation. What, however, was the observation of Lord Ponsonby to his assertion that he was engaged in a lawful speculation and enterprise.

> "I replied that I had no right (if I should have the desire) to offer any objections to his proceedings, of which he was the undoubted master; but I would observe, that it must be necessary to his own interest carefully to avoid every thing that could wear even the appearance of an attempt to evade the blockade. He said his intention was carefully to avoid even such an appearance."

It was clear, then, from this part of the letter that Lord Ponsonby did not intimate that the blockade was entirely at an end, for he cautioned Mr. Bell against even appearing to evade it. Was this to be construed into a denial that the blockade was illegal; on the contrary; he said nothing with respect to its legality, but he cautioned this person not to do any thing that was illegal. It appeared, however, that there were two ports on this coast that were open, namely, Redout Kalé and Anapa, and all the rest were closed, from an alleged wish on the part of the Russian government to enforce two objects: the first was, to prevent the introduction of the plague, and the second was to control the trade by levying duties and commercial regulations; both these objects were perfectly legal. This was the simple case that the right hon. Gentleman had argued for three long hours, and he almost expected the right hon. Gentleman at last to have avowed that they had under certain circumstances a right to close the coast; and if this was done in conformity with the law of nations there was no ground of complaint. No British merchant was justified in disregarding these restrictions if they were formally issued. With respect to Russia, he admitted, that it was not a government that he had a particular partiality to, and if they had put up a claim to a country they had no right to, and seized a British vessel attempting to trade on that coast, the retribution which should be claimed by the British Government was not a question of mere value, but was one of principle, and could only be decided as a question of that nature required. The matter, however, had not been put forward in that view, and it was impossible that they could have the benefit of the claim they now put forth. He believed, that it would not be doubted on any hand that any Power which possessed the right of sovereignty had the power of making municipal regulations such as those he had described. Now, in this case, the restrictions were imposed by the Russian government in 1831. He confessed, that he had felt some little astonishment when he found that, notwithstanding the Russian government in 1831 had notified to all the great Powers of Europe these acts both of sovereignty and of municipal regulation, any person could say, in spite of all this, that Russia had acted on belligerent principles. Admiral Lazareff, in a letter, dated 10th December, 1836, said,

> "I have received your letter of the 20th of December, and those it enclosed for Messrs. Polden and Morton and the British consul at Odessa, which, as they were all unsealed, and containing such documents as will prove, that the schooner Vixen was employed upon a blockaded coast in an unlawful trade with the enemies of this country, were sent by post to St. Petersburgh."

Now, how could this be construed against Russia? This officer said, that the vessel was seized for violating the municipal laws of the country. He said, that Russia claimed and exercised control over this coast, and that this was a question that had nothing to do with war or peace, but arose from an infraction of their domestic laws. Indeed, Russia said, that a merchant might as well go to St. Petersburg, and carry on an illicit and contraband trade as in this part of her territory. The Russian government adhered most strongly to this point, and put the question on no other footing throughout these negociations. The adjudication of the vessel then took place, and at that period a question of much importance was urged, namely, whether the port was in the possession of Russia at the time. This was a most important fact, and to arrive at it they in the first place had a letter from Mr. Spencer, who was there about this period, who stated, that he saw nothing there at the time to justify him in supposing that this was the case. This had been strongly urged on the other side, but then he apprehended that the right hon. Gentleman would concur with him in this principle, that a government must rely upon the information they received from their own representatives, appointed as they were by the Crown of this country, and whose duty it was to collect with accuracy and zeal, and transmit without delay, the information so collected. In the letter, then, of Lord Durham, in page 30, there was this statement as to the occupation of the port when the seizure took place.

> "With respect to the military *de facto* occu-cccupation of Soudjouk Kalé, I have to state to your Lordship that there is a fortress in the bay, which bears the name of the Empress (Alexandrinsky), and that it has been always occupied by a Russian garrison."

This was the strongest and best evidence that could be given on this important point. If the occupation of this place was only by ten men, still it would be a military occupation, as if all the country was under the power and control of the proper authorities. It was, however, clear from other documents that the Russians had possession of several other places on the coast. In a letter from the Consul-general Yeames, dated Jan. 30, 1837, he says,—

> "The force directed to the bay of Soudjouk Kalé reached the fort, which in 1836 I had seen commenced upon the Doba, as stated in my dispatch of the 11th of August of that year, and the existence of which has been so strongly and pertinaciously denied by some persons in England."

In the letter of the 11th of August it is stated,—

> "The next Russian station is in the bay of Soudjouk Kalé, which, during several years, and till lately, remained unoccupied. On a low ground to the left, when entering the bay of Soudjouk, are the ruins of the Turkish fort, which is completely demolished. Nearly on the same site is to be erected a small Russian fortification, not yet commenced. The present position was occupied not three weeks previous to our visit. I beg leave to refer to the line of forts already mentioned by me, which was projected from Oglinsky on the Kuban. The first of these, erected at the distance of thirty-three versts, is named Abyn; the second, sixteen versts from it, Mislayefsky; and the third, eighteen versts further, we saw traced out within the entrenchments of the camp on the Doba, a small stream falling into the bay of Soudjouk at its southern extremity."

This, he contended, was quite sufficient for the military occupation of this fort and its neighbourhood, and there was also the list of forts. It was clear that the question of right and possession must be determined before you could demand satisfaction from Russia. If we had a clear right to carry on commercial relations with this coast, it would have been beneath the dignity of this great nation to yield to anything less than that to which it was entitled by the law of nations. It had, however, been asserted, that Turkey was not in possession of a great part of the coast of Circassia. But there could be no doubt, as regarded Russia, that that power, by the treaty of 1783, acknowledged that coast to belong to Turkey. She, therefore, had a right by the treaty of Adrianople to take this territory as belonging to Turkey, she having acknowledged fifty years before that it belonged to Turkey. He had already stated sufficient to show, that there was enough to justify Russia in claiming an occupation of the coast by the law of nations; but if it was merely a question of doubtful occupation, and it became a matter between A and B. on one side and C and D on the other, he asked, whether a mere question of doubt was a matter in which England should come to a rupture with a great empire like Russia? He would ask the right hon. Gentleman whether it was for the benefit of this nation that the question should be taken up in this manner after what had passed on the part of Russia in 1831 and 1836 on this very subject? At both these periods Russia was pledged beyond retractation that it would pursue its claim to the sovereignty of Circassia. Suppose, indeed, it was determined, that Russia was not in actual possession, did the right hon. Gentleman think, that the period alluded to was the best to assert the commercial rights of the people of Great Britain, after the distinct avowals made by Russia in 1831 and repeated in 1836, and when the latter stated, that she would never give way on this point, supposing it to be a doubtful matter, which he, however, denied that it was, and which was likely to excite the grounds of quarrel between these two nations, which would probably have involved all Europe in a war? The persons who had undertaken this adventure had no right to complain; and he did not blame them for doing that which they, no doubt, regarded as a matter of fair commercial enterprise, but they had no claim to redress for that which had proved unfortunate to them as merchants. He thanked the House for the attention with which they had listened to him. He found no fault with the right hon. Gentleman opposite for having brought forward his motion, except for bringing into the discussion of the evening some communications which appeared in a newspaper of this day, and which came before the public in such a shape that, whatever might have been his anxiety for his argument, or for the cause that he was advocating, he should have disdained to have used it. He should have disdained, under the circumstances, to have used those documents, and he did not recollect an instance of a person holding the confidential situation which the writer held, who had availed himself of the use of documents in the way in which these had been brought forward, and it would have been better for his own honour and credit if he had kept them secret, and much more for the advantage of the House of Commons not to have wasted their time by discussing a question on which they could come to no satisfactory decision.

Lord *Stanley* said, it was impossible not to entertain some suspicion that the principal part of the speech of his hon. and learned Friend, who had just sat down, was intended to be directed against the motion which he supposed would have been made, and not against the motion which had actually been made by the right hon. Gentleman near him, because in the first observations which had fallen from his hon. and learned Friend opposite, he had dwelt on the great inconvenience of referring to a Committee of the House of Commons matters involving questions of the greatest international importance—questions of the highest political consideration — questions which might possibly become the means of raising a war in Europe, or at all events, of giving rise to a war between this country and Russia, with all its possible consequences. He would pass over, as altogether beside the question, the two topics on which his hon. and learned Friend had laid so much stress, namely, the question of international law, the question of the actual occupation of Soudjouk Kalé, and of the right of Turkey to cede that territory, as well as of Russia to take possession of it. He would pass over these topics, because his right hon. Friend specifically to avoid the very evil which had been anticipated by the hon. and learned Gentleman, had, with great prudence and discretion, and considering how strongly he felt upon this subject, with great temper also, abstained from bringing those topics under the consideration of Parliament at present. His right hon. Friend was well aware of the importance and difficulty of those questions, and he felt, with the hon. and learned Gentleman opposite, the inconvenience which would result from the responsibility with reference to those questions, resting as it now properly did on the Executive Government of the country, being shifted to the House of Commons, which certainly ought not to bear it. His right hon. Friend had not at all proposed to refer those questions of international law and of the existing relations between Russia and England to a Committee of the House of Commons. He had not proposed to refer to a committee the general allegations contained in Mr. Bell's petition. He had proposed to refer to the consideration of a committee the single point whether Mr. Bell had been aggrieved by the capture of the Vixen, right or wrong, and whether her Majesty's Government, by a tacit or avowed encouragement of his adventure, had made themselves parties to that loss and wrong. Notwithstanding the declamation about this question of international law in which the hon. and learned Gentleman opposite had indulged at the commencement of his speech, his right hon. Friend had abstained from entering into that question, and confined it to the simple point whether any blame was to be attached to her Majesty's Government for the part which they had taken in this transaction. He had said, that with regard to the seizure of the vessel and the capture of a valuable cargo, that was not a consideration which ought to influence the House of Commons one way or the other. The question was, whether, as a British subject, Mr. Bell was entitled or disentitled, to protection upon the seizure of his property by a foreign power —whether he had received encouragement or not from Government to proceed with this speculation. It was not a question whether Mr. Bell had or had not the right to land in the particular mode in which he had attempted to land his cargo. That was certainly not the question; for he admitted with the hon. and learned Gentleman opposite, that the question whether he had or had not that right would involve some of those considerations of legal occupation by Russia of the territory in question, which it was desirable to avoid in this discussion. The question was, whether they would appoint a Committee of the House of Commons to examine into the allegation of a British subject, who stated that he had lost a valuable cargo, which was confiscated by a foreign power, that his position and character in trade were thereby injured, and that he had incurred this loss in consequence of encouragement which he had received from her Majesty's Secretary of State for Foreign Affairs. It was not that they should assume that he had received such encouragement, but they were asked to inquire into the truth or falsehood of the allegations which he made, and judge upon the evidence which he might be capable of producing, whether he had received such encouragement. If he had, in point of fact, received that encouragement, surely he ought to have also received protection. But he had not received that protection. The answer of the noble Lord opposite upon this point was, that he had not received that protection because he had acted in this matter on his own responsibility without receiving any encouragement from Government. Upon this part of the issue, they called on hon. Gentlemen opposite to say, whether they had not made out such a *primâ facie* case as called for the appointment of a committee before which this gentleman might be enabled, if it were in his power, to vindicate his character, which was now at stake. With regard to the hon. and learned Gentleman's observation upon the first paper to which he had alluded, he would take the liberty of asserting, that Mr. Bell appeared to have been perfectly aware, that there were no international commercial relations between Russia and the Circassian territory, which he presumed to be independent, and that in consequence of that there was a more than ordinary means of advancing British commerce in that independent state. Under this impression, Mr. Bell stated, that he had applied to the Secretary for Foreign Affairs, to inform him of any restrictions to which British commerce might be subject in that quarter. The hon. and learned Gentleman seemed, in his observations upon this part of the subject, to partake in no inconsiderable degree of the extreme ingenuity which had been displayed by his noble Friend opposite, the Secretary for Foreign Affairs. Like that noble Lord, he had indulged in a most artful use of the terms "blockade," and "sanatory regulations." The noble and learned Lord, in his answer to Mr. Bell, had said, that it was for individuals to judge for themselves in matters of this description, and derive their grounds of opinion from those sources of intelligence which were open to all who proposed to embark their capital in any commercial venture. Mr. Bell stated, in his reply to Lord Palmerston, that he did not desire to be informed whether or not it would be for his advantage to embark in this speculation. Undoubtedly, British merchants were sufficiently awake to their own interests not to require information from the Secretary for Foreign Affairs. Mr. Bell's inquiry of the noble Lord was, whether there were any subsisting political relations, whether there was a recognized interference by blockade, which would render it unsafe for him as a British subject to embark his capital in the proposed speculation. What was Lord Palmerston's answer? The hon. and learned Gentleman had defied them to prove, that Lord Palmerston had declared the blockade to be informal and illegal. It certainly was not so stated in terms; but in his reply to this gentleman, the noble Lord had stated distinctly, "I refer you to the *Gazette.* There is no notification of any blockade in the *Gazette.*" And having been repeatedly pressed for an answer, the noble Lord assured him, that there was no blockade recognised by the British Government. Had Mr. Bell, then, or had he not, the right, under those circumstances, to suppose, that if his ship was seized by Russia, he would be protected by the British Government? But then, said the hon. and learned Gentleman with great ingenuity, he did not inquire whether there were any sanatory regulation. Was it not manifest, however, that Mr. Bell, being aware that there would be a difficulty, had taken care to ask of the proper authority with a view of informing himself of the risk he was encountering? And the hon. and learned Gentleman now expressed his astonishment that Mr. Bell should not have known, that there was a blockade existing, when Lord Palmerston, just previously to his setting out, had said that there was no blockade recognised by this country. Suppose that Mr. Bell had received no further encouragement, the hon. and learned Gentleman said, that it was not necessary for foreign governments to notify any restrictions imposed by them on the commerce of our country. It certainly was not necessary. But, in this case, the foreign Government had already done so; for it had been communicated in the most formal manner to Mr. Mandeville, at Constantinople, expressly for the information of the British merchants, and transmitted to the Secretary of State for Foreign Affairs, who had for six years in his possession the notification of these restrictions. The noble Lord, again, in one of his answers stated, that it is not usual or necessary to publish these restrictions of a foreign government in the *Gazette.* Now, he asserted, that the merchants of this country had a right to complain when restrictions are imposed by a foreign government, materially affecting the trade of this country—even branches of that trade not specifically encouraged by the Government — the merchants of this country, he repeated, had a right to complain, if under such circumstances the committee at Lloyd's were not made acquainted with those restrictions. On that count, they were ready to go to issue. They were ready to proceed to issue, not only upon the propriety of such a course being adopted, but upon the question of this very course having been the practice of former governments. They were ready to establish before a committee that it had been the practice of former Governments to communicate to the committee at Lloyd's the fact of such notifications having been received. The hon. and learned Gentleman had proceeded to observe, that Mr. Bell did not go to Constantinople himself, but that his brother undertook a communication with the British Minister there, and laid all the details of the transaction before him; and he was then made perfectly conversant with the risk he was running. He had held a communication with Lord Ponsonby there, and had asked of that noble Lord whether he had received any notification of the blockade of a later date than the intelligence received at the Foreign-office, where no communication had been found on the subject. Lord Ponsonby, said the hon. and learned Gentleman, could not be expected to draw nice distinctions between foreign blockades and sanatory regulations; but the fact was, that the noble Lord had actually drawn that distinction. The noble Lord had stated, "That having been asked on that occasion what communication had been made to him by the Russian Envoy, he informed Mr. Bell of its being a sanatory regulation, and further stated that he had the fact communicated to his Majesty's Government for the information of the English merchants, but had not ordered that any public communication should be made of it." Under what circumstances was Mr. Bell placed? He applied to the Secretary of State for Foreign Affairs, who told him, that the blockade was not recognised at all. He went then to Constantinople, where the Minister told him, that there might be a blockade, that there were some sanatory regulations. "I tell you," continued Lord Ponsonby, "that you must be very careful not to endeavour to evade the blockade." Mr. Bell, therefore, said the hon. and learned Gentleman, was fully acquainted with the risk which he ran. He was acquainted with the fact that he might be incurring the suspicion of attempting to evade the blockade. But Mr. Bell's answer was plain and precise. He said, "I have no occasion to evade a blockade. The Secretary of State for Foreign Affairs tells me there is none recognised. You tell me not to evade a blockade. I mean to do nothing but what is straightforward. I mean to run the risk, but not to evade any blockade. If any ship should happen to be seized, I have the authority of the Secretary of State for Foreign Affairs for stating, that England does not recognize that blockade, and I will claim a right to protection." He cared not whether the Russian Admiral seized the ship in one port, or the Russian Government confiscated it in the other. He assumed, that the entire transaction was perfectly legitimate, that the sanatory regulations of Russia were right, and the blockade legally conducted; and, assuming that such was the case, he said, that this was the very ground on which Mr. Bell came to the noble Lord for indemnity. But the hon. and learned Gentleman says, the noble and learned Lord at the head of Foreign Affairs was not bound to give any information or advice, or encouragement or discouragement, to Mr. Bell. Perhaps not; perhaps the noble Lord would have been justified if he said to Mr. Bell, "You ask me a simple question. Blockade there is none. With regard to any other matters, I decline to give you any information whatever. There may be restrictions or there may not, I don't choose to give you any answer. Proceed on your own responsibility." But it was also a question whether the communication which Mr. Bell had had with the noble Lord did not in his mind amount to a secret encouragement of the expedition. The hon. Gentleman who had just sat down had deprecated, and he was not surprised at this, because it was an inconvenient witness,—he had deprecated the evidence published by Mr. Urquhart in his letter of that morning. He did not know that gentleman. He was not aware that he had ever seen him. To the best of his belief he never had had any communication with him. He knew nothing whatever of the publication of this letter. But this he did know, that his right hon. Friend near him, in the pursuance of this case, having obtained a knowledge of the existence of this letter, actuated by that gentlemanlike feeling for the possession of which all gave him credit, felt, that he had no right to make any use of an official correspondence, which might be supposed to come to his knowledge through any violation of official secrecy, and moved for a copy of this letter on Saturday last in his place in the House of Commons. What was the answer of the noble Lord the Secretary for Foreign Affairs? Did he say, that this was a communication of a nature partaking of official confidence, addressed by an official subordinate to an official superior—that he was unwilling to give publicity to state secrets of importance, and on public grounds objected to the production of the document? Could any man say, that, if such had been the answer, his right hon. Friend would have either pressed for the production of the paper, or used it that evening? But the course taken by the noble Lord was precisely the opposite of this. He said, "I hardly know what this letter is. It is a volume almost as thick as this (taking up a book from the table.) It is addressed to me by a person not in office; and there is no official secret in it. The document is not an official one." He was not in the House when the noble Lord gave this answer; but he had never heard it denied, that the noble Lord had rested his non-production of the letter upon the ground of its not being an official document, but a letter addressed by a private individual, who had been discharged from all responsibility. But the noble Lord had gone a step further than stating that this letter, being an unimportant one, he had not given himself the trouble of answering it; for, from first to last, he alleged, that it was full of the grossest misrepresentations. He knew nothing "he repeated" of Mr. Urquhart personally; but he would say, that he conceived the publication of the letter to be quite a natural course for a man of honour and a gentleman to pursue, when he heard a Secretary of State say, that he would not produce a letter written by that individual, on the ground of its not being official, but at the same time charge it with being, from the first to the last, full of the grossest misrepresentations. He could see no proper course to pursue but that which Mr. Urquhart had taken, which was to publish the whole letter, that its contents might be made known to the world, and, in order to judge this matter at issue between him and the Secretary for Foreign Affairs, demands a committee of the House of Commons. He felt not the slightest reluctance to use the evidence contained in this letter. It bore on the face of it the knowledge of a man perfectly conversant with the facts of the case; and he only asked for inquiry, whether his statement be correct or not. He therefore, had not the slightest reluctance to use the evidence in his hands, as applicable to the question whether any encouragement had been given to Mr. Bell. If the noble Lord meant to deny the statements contained in this letter, if he meant to deny, that any encouragement had been given to Mr. Bell, why object to the committee? For his part, he would say, that if the noble Lord proved Mr. Urquhart to be wrong—since the great proof rested on Mr. Urquhart's allegations—the case, if it did not break down, would be materially weakened. But who was Mr. Urquhart? Where was he employed? The noble Lord said, that no encouragement was given to Mr. Bell, or to any one else, to trade with Circassia as an independent state. Were Mr. Urquhart's opinions on that question not known to the noble Lord when he appointed him on the embassy at Constantinople? Was the subject of trade with Circassia of no weight in procuring his appointment there? Mr. Urquhart was known to have been at all times, zealous for the independence of Circassia—at all times anxious to have an independent trade opened with Circassia as an independent state; he had, at all times, felt, that to open such a trade would be beneficial to this country, and, at all times, had denied the right of Russia to interfere with the independence of Circassia. Mr. Urquhart had much communication with British merchants upon the subject of trade with Circassia; and having had that communication with Circassian and with British merchants, was not his appointment, under these peculiar circumstances, and at that particular juncture, as secretary of embassy at Constantinople, a direct furtherance to the trade with Circassia, of which he was the advocate? Mr. Urquhart, then, being in constant communication with the Foreign-office, and having received a lucrative and confidential situation under the Foreign-office, had the best means of making himself acquainted with all the facts of the case; and the letter from which he would presently read extracts, contained statements which Mr. Urquhart was only desirous to have investigated before a committee of that House. Those statements would remain unrefuted, if the noble Lord successfully opposed the committee. Mr. Urquhart, in his letter to Lord Palmerston, thus expressed himself:—

"The question of the independence of Circassia, in which solely is involved the legality or the illegality of the voyage of the Vixen, had been strenuously and uncompromisingly advocated for several months under your Lordships' sanction. My reports, detailing my entrance into the country two years before, in violation of any supposed municipal right of Russia, had been received, and not disapproved of. The Circassian declaration of independence had been published after mature deliberation, and several weeks' correspondence with different branches of the Government, in a periodical connected with the Foreign Department; Circassia was marked as an independent country on a map revised by your Lordship. In consequence of these views of your Lordship's becoming known, Mr. Bell conceived the project of a commercial voyage to Circassia. He consulted me thereon. I entered into discussion on the subject with Mr. Strangways; and, in consequence of these communications, and others of most unequivocal character which I need not quote, but which resulted from communications with your Lordship on the subject, the idea of such an expedition became a settled object, and Mr. Bell then formally addressed your Lordship, stating it to be his intention to open commercial connexion with the independent tribes in the Caucasus, and asked if there were any legal impediments to such a voyage recognised by the British Government. Your Lordship referred him to the *Gazette*, as on a question between belligerent states—the publication or non-publication in the *Gazette* being, in the eye of all mercantile men, the test of their right to carry on commerce with any given coast in cases of war; and the reference of your Lordship to the *Gazette* proves that this was a question which involved the belligerent rights—not the municipal regulations—of Russia, and, consequently, setting wholly aside the communication made by the Russian Envoy at Constantinople to the British Minister in 1831 on the custom-house and quarantine regulations to be observed by the vessels of foreign powers trading to the coast of Circassia. When, therefore, your Lordship says, that you were averse from the voyage, and that your correspondence with Mr. Bell shows that you were so; I can only confess, that I laboured under the most perfect delusion up to my first interview with your Lordship after my return to England."

Under these circumstances, was it that Mr. Bell commenced his correspondence with Lord Palmerston, who, dealing with the question as between two hostile countries, told him the blockade was not recognised by this country. Would any man tell him, that Mr. Bell had not received any encouragement from the Foreign-office? But did it cease after the result of the Vixen had been made known? Had the noble Lord even then made up his mind to withhold his sanction and approbation? On the 7th of December, Mr. Urquhart wrote to Mr. Strangways. He communicated the result, and Mr. Strangways immediately replied in a private letter, which was not quoted, and which he was not going to read. In a letter already quoted, and after the departure of the Vixen was known, Mr. Strangways spoke of the exultation with which the proceedings had been received in this country, never doubting that the right of commerce with Circassia would be maintained. One would have supposed that the announcement received by the Foreign Secretary of the result of an undertaking of which he could not foresee the disastrous consequences, would have met with an immediate reprimand from the noble Lord of the inconvenience and mischief that had resulted from that unrecognised and improper conduct of Mr. Bell. No such thing; it met with a letter of exultation from the Under Secretary. Let them then see the date of the letter recalling Mr. Urquhart, received from the noble Lord himself. Mr. Urquhart's letter left Constantinople on the 8th of December, and even supposing Mr. Strangways to have been unauthorised to write as he did in a case of imminent danger of war between England and Russia, the Secretary for Foreign Affairs was liable to the imputation of not having expressed any opinion on the subject from the 8th of January to the 10th of March, the date of his letter. He had no means of official reference, and could only speak from the dates furnished by this correspondence, from which it appeared, that after the sailing of the Vixen was known by letter dated the 7th of December, the Under-Secretary rejoiced in the proceedings, and the Head Secretary for Foreign Affairs took two months after the receipt of that letter, to decide whether Mr. Urquhart's conduct was meritorious and judicious or not. Mr. Urquhart considered himself very ill-used, and desired to have his conduct, and that of the Government investigated before a Committee of the House of Commons. He had no means of ascertaining the nature of any diplomatic differences between Mr. Urquhart and the noble Lord ; but if that gentleman's letter was good for any thing, it was proof absolute of the previous and subsequent encouragement of the expedition, undertaken by Mr. Bell. He contended, that the question was simply this —would they, upon the statement of facts made by the right hon. Gentleman behind him, and not disputed in point of fact, that Mr. Bell went out with the knowledge of the Foreign-office, that the object of the expedition was known to the Minister at Constantinople, that the vessel had been seized, that a preliminary sanction had been given—would they refuse to grant a committee to inquire whether those facts were so or not, and whether Mr. Bell had not sustained serious injury in property and character, and that that injury had been the consequence of his reliance on the encouragement given him by the Minister for Foreign Affairs in this country ?

Viscount *Palmerston* said, after the magnificent exordium of the speech of the right hon. Gentleman, telling us that he was about to treat of a subject comprehending international considerations of the highest order, and after the peroration with which he concluded, it would hardly have been expected that the object and end of his speech was to have been limited within so narrow a compass as that which he had contented himself with. The greater part of the speech of the right hon. Gentleman was not a statement of the objects which he proposed to accomplish, it was not an exposition of the purposes for which he requires us to grant him a committee, but was a long enumeration, in considerable detail, of points on which he does not require us to go into committee; for, after entering elaborately into some of the great questions to which he had adverted, he has regularly concluded each part of his speech with—"But on that point I do not wish to pronounce an opinion." The subject which it appears the right hon. Gentleman wishes the committee to inquire into, is whether Mr. Bell has lost money and character by the expedition of the Vixen, and whether he received from me, as Secretary for Foreign Affairs, any encouragement to undertake that expedition, I think the right hon. Gentleman has not shown the slightest ground for the assertion which is the basis of his motion. Nor has his noble Friend, who has come to his aid with that pugnacious speech of his, been able, with all his ingenuity and greater practice, to offer the shadow of a ground for this motion. There are two points which may be altogether laid aside in this discussion—the losses of Mr. Bell, (for I do not suppose the right hon. Gentleman considers a committee of this House necessary to make valuations of the ship and its cargo), and the loss of character sustained by Mr. Bell, which I also put aside, as I do not conceive that Mr. Bell has lost any character at all. He entered into a speculation for views and purposes of his own, which he was perfectly at liberty to do, and it would be utterly unjust to him to say, that on that account he stands less well in public estimation than he did before. If I were to find fault with Mr. Bell, it should be because his speculation was entered upon not with commercial, but with political views, and with the intention of placing two great countries in a position of which war might be the consequence, and herein he showed himself not actuated by proper views. But did he receive encouragement from me to enter upon the expedition? I repeat my denial of that assertion, and I have not heard anything in the course of the debate to invalidate that denial. I disclaim the interposition of the phrase "Foreign-office." That office comprises a number of officers who act on the authority of the Secretary of State; therefore any man who talks of communications which he has received through the Foreign-office, asserts that which has no meaning, unless he can state that such communications has taken place under the responsibility of the Secretary of State for the Foreign Department. Now it is said, that Mr. Bell—this innocent Mr. Bell—was led into a trap by me by the answers I gave him. I deny, that there is the slightest foundation for any such assertion. The inquiry he made of me was, whether it would be wise and prudent for him to enter into a speculation for the sale of salt on the coast of Circassia, whither he had been invited by the authorities ; and he wanted to know whether there were any restrictions, recognised by this country, applied to that commerce by the government of Russia, My answer to those inquiries was precisely what the right hon. Gentleman said it ought to have been. He ought to have been told, said the right hon. Gentleman, that he must judge for himself, that the Government of England could not give advice to a merchant as to any enterprise in which he proposed to engage; that is precisely what I said in my communication of the 30th of May, in which I replied to the inquiries he addressed to me. There was one point I did not answer, and it must be admitted, that if I had done so, I should have been guilty of a great breach of propriety. He wished to know what was the opinion of her Majesty's Government with regard to those great questions to which the right hon. Gentleman alluded;—viz., the right of Russia to the sovereignty of Circassia, and whether I thought she was or was not entitled to establish those customs and sanatory regulations she was enforcing by the power of her arms. Now, I must say, that no individual merchant is entitled to ask her Majesty's Government to give an opinion on questions of that sort, and if such questions be put, it would be most dangerous and imprudent in the minister to answer them. Let me say, also, that I am surprised at the right hon. Gentleman, who knows what official duty is, who himself has filled responsible situations—I am surprised, that he should think I could, consistently with my public duty, on a mere accidental question put by an individual merchant inquiring with respect to a cargo of salt, solve a question of great magnitude, not only as regards the relations of a foreign state, but affecting also those between Russia and this country. At the same time the right hon. Gentleman, in the course of his speech said, that the question was too great a one for him to approach the discussion of in this House. He talked about opening doors, and the stones that would crush all the interests of the nation; but if he will not give an opinion on that question even now, I think he will admit, that it was only common prudence on my part not to be led into the trap; for the trap, if there was one, was laid not for Mr. Bell, but by Mr. Bell. I think he will admit, that it was my bounden duty to avoid the trap which "innocent Mr. Bell" laid for me. It is said, that Mr. Bell did not altogether understand the distinction between a blockade and Custom-house regulations. Why, surely, he did understand it. Had he never been in that part of the world before? If I am not mistaken, he had been in the eastern part of Europe, and knew practically more of these things than I could know. He had a local and personal knowledge of the facts, with respect to which he was asking me with the utmost simplicity. On receiving my answer, Mr. Bell said, "You have mistaken my communication. You state in the reply you have given to me, that you are not bound to give an opinion as to what it is expedient for me to do. I never asked you that question; my letter asked but one, and that was, whether the Government recognised the Russian blockade on the coast of the Black Sea? Now, does the right hon. Gentleman say, that the Russian blockade is synonymous with customs regulations? Every Government has a right to establish its own custom-house regulations, and Mr. Bell knew what these regulations were. The complaint that he was not informed of them cannot be sustained. That which he said he wished to learn was, whether there was a recognised blockade or not. I replied, that for information on that point, I must refer him to *The Gazette*, and there the correspondence ended. If, after this, Mr. Bell went forward, can it be said he did so in consequence of any encouragement which I afforded him? I was never for an instant, otherwise than exceedingly cautious in the replies I gave to this gentleman. In writing the letters I addressed to him, my impression from the first to the last was, that he was endeavouring to get me to give an opinion with respect to a matter which did not appear on the face of his correspondence. He goes to Constantinople, and what is the ignorance in which he is there kept? He is shown the regulations of 1831; they were repeated in the subsequent one of 1836, which had not been received when the correspondence took place between us; in fact, it was not received till October. In the regulations which he saw, the Russian Government state, that no commerce can take place except in certain ports, because they are the only ports in which the custom-duties can be received. But there is another feature in this case. Not content with violating the regulations, as it were to make sure of a seizure, he takes a cargo of salt, which is prohibited in any port. So determined is he to have two strings to his bow, that first he takes into port, a cargo where none is allowed to be taken, and next he takes a cargo which is not allowed to be taken into any port at all. Lord Ponsonby explained to him the danger to which he exposed himself of having his ship seized. What pretence is there, then, for saying that deception has been practised on Mr. Bell? I can conceive a case in which he might have had cause for complaint. If he could state that he had been told by me, the only person competent to make such a communication to him, even if he had received it from Lord Ponsonby, it would have gone for nothing, inasmuch as his Lordship was not authorised to afford him such information—if he had been told by me, "Proceed, and if your ship is seized, this country will go to war, if necessary, in order to get you indemnity," then, indeed, might it have been said he had received encouragement; but no such intimation was given to him, nor anything approaching to it. No communication was made to him that any ingenuity can torture into such a statement. I had some personal interviews with Mr. Bell previous to the correspondence; he then explained the objects he had in view, but I gave him no encouragement. I told him it was a matter of which he alone must be the judge, but if he had any question to put he must put it in writing, and in writing he should have his answer. Why, it would have been an insanity such as could hardly be imputed by political opponents to any Government, when a weighty international question was involved in the course this ship was about to take, to have urged an individual to undertake a voyage the object of which was to bring about a collision between two nations. The thing is so palpably absurd, that I would not impute it—I do not mean the remark offensively—even to the right hon. Gentleman. But, if Mr. Bell was acting under this encouragement, why has he reserved the statement of that fact till the month of May or June, 1838? We have heard a great deal of the correspondence, he had complained much of the decision of the Government, but how is it that it never occurred to him to say, what a man naturally would say under such circumstances, "Why, you tell me you cannot get redress for me from Russia; is that the answer to make to me after having sent me out under a guarantee?" That would have been the natural course. I cannot forbear from saying that, even by Mr. Bell's own showing, he was engaged in what I must call an underhanded political intrigue. He, who is induced by hints in this quarter, and surmises in that, by unauthorised publications, and by the retorts to which they give rise—he, who is thus induced to think he is acting in accordance with the wishes of the Government, and who gives himself no further trouble to ascertain whether he is correct or not in his impressions—such a person, I say, by his own admission, shows that he has embarked in an underhanded political transaction. I shall at once dispose of the charge of the right hon. Gentleman so far as it rests on these printed papers. Though he dwelt at great length as to whether Soudjouk Kalé and various other points had been occupied, he did not bring that question to bear on his motion. With regard to the collateral matters, there is only one more to which I consider it necessary to allude, and that is the imputation cast on Lord Durham for not having taken at once, and without any instructions from the Government, steps to procure redress for Mr. Bell. I cannot help thinking, that Lord Durham would have departed from the line of his duty if, when a great international question was involved, he had taken any decided course without being authorised to do so by instructions received from his Government. He might have assumed a tone too high or too low. Till he knew what the deliberate opinions of his Government were it would have been highly culpable in him to have committed himself to any course whatever. As it was, he transmitted home the statements he received, and said, "I shall take no steps till I receive instructions." The right hon. Gentleman complains that this is one of the many instances of the indifference of the Government to the interests of the commerce of this country. I am wholly at a loss to perceive the logical connection between the arguments he used, the statements he made, and the inferences he was pleased to draw from them; but I beg to say, it is impossible to make an assertion which is really more at variance with the fact. But the right hon. Gentleman says, "You ought to have communicated these custom-house regulations to the committee at Lloyd's," and the reason why he tells you, on the authority of the chairman at

Lloyd's is, because it is always the practice of Government to communicate all such matters. Now, when the chairman of Lloyd's speaks as to what is the invariable practice of that association over which he presides, his testimony should be conclusive; but when he undertakes to tell you what is the invariable practice of different departments of the government, he rather oversteps the bounds of his own knowledge. It is not the practice of the Government to make communications with respect to cases in which there is any difficulty whatever; but if it were our duty to make such communications, for them to be of value, it must also be the duty of foreign countries to make communications to us; and as we do not happen to communicate our internal regulations to them, it would be too much to expect them to make a communication of theirs to us. The right hon. Gentleman pressed some smaller matters. The cost of sending despatches only once a month to Constantinople is 500*l.* Mr. Bell offered to carry the despatches, and he was allowed to do so; and if this is the only way in which the right hon. Gentleman can establish a connection between Mr. Bell and the Government, he must indeed feel, that his case is broken down. " But," says the right hon. Gentleman, " Lord Ponsonby made no positive objection to Mr. Bell proceeding." Lord Ponsonby said, " Here are the regulations—do as you please." If the noble Lord had commanded Mr. Bell not to go on, it would have been complained that he, as a British minister, was assuming a power which did not belong to him. Allusion had been made to the letter which has been published by Mr. Urquhart. It would ill befit me to criticise the course that gentleman has thought proper to pursue; but my objection was not what it has been stated to be by the noble Lord (Stanley), that his letter was a betrayal of official confidence. My objection, on the contrary, was, that it contained a great number of private and personal communications between Mr. Urquhart and other people which I did not think fit to be published. Having read Mr. Urquhart's letter over attentively, I contend there is nothing in it that goes to prove, in the slightest degree, any sanction on my part to the expedition of Mr. Bell. He does not even pretend to say, that he received from me any sanction or approval of that expedition. He says, he heard this from one, and he understood my opinion from another. He refers to the circumstance of the independence of Circassia having been discussed in a periodical, which he is pleased to say is connected with the Foreign-office, but which I beg to say is not, and over which I have had no control whatever. Putting these notes and circumstances together, he has been pleased to entertain certain opinions as to the expediency of this expedition. It is said, that I wanted to see the result of this expedition. That is not the case. Having ascertained the share which Mr. Urquhart had in persuading Mr. Bell to renew his expedition after he had abandoned it. I told Mr. Urquhart in a letter I wrote to him, that I considered the course he had taken to be incompatible with his public duty, and that in giving him leave of absence to come to England I thought it fair to inform him that I could not allow him to return to his post. This, then, is the approbation I have expressed. Mr. Bell and Mr. Urquhart appear both to have imagined that they were promoting an object which the government desired, but which they did not like to avow. I admit that. But suppose Mr. Urquhart had been told by me, let Mr. Bell send the Vixen, what would have been the course he would have pursued? In informing Mr. Urquhart that he would not be allowed to return I told him that I should not communicate even to Lord Ponsonby the cause of his removal; and, that, with a view to spare his feelings, leave of absence was given to him which would lead to the supposition that his withdrawal would only be temporary. If, however, I had sanctioned Mr. Bell's expedition, would not Mr. Urquhart, on receiving my letter, have exclaimed, " Your communication astonishes me! You tell me I am not to go back; why do not you yourself urge me to do that which you assign as the cause of my dismissal?" I really must say that a person who under such circumstances could not make that reply, and immediately, must be supposed much less able to defend himself than Mr. Urquhart, or than the right hon. Gentleman who takes up the cudgels for him. I now leave this question to be decided by the House, being content to persuade myself that they will not be prevailed upon to appoint the committee.

Sir *Robert Peel*: I really feel it to be superfluous to trouble the House further with a prolongation of this debate. After the eloquent and argumentative speeches of my right hon. Friend and the noble Lord near me, and the lame attempt at a reply by the noble Lord opposite, it is perfectly clear, that in point of argument, the case is satisfactorily settled. The noble Lord has called the speech of my noble Friend "a pugnacious speech." The noble Lord was most unhappy in his epithet as in his argument. It was an able and a convincing speeth—it was a logical and an argumentative speech—but the epithet "pugnacious" cannot be applied to it. Pugnacious, if I remember aright, in reference to a speech or a debate, means a conflict of arguments; but that the speech of my noble Friend cannot be so designated, is evident from the simple fact, that all the argument is on his side. I recollect a high classical authority for the use of the term. It is that of a gentleman placed in a situation nearly similar to that of the noble Lord opposite:—

> ———"Miseræ cognosce proœmia rixæ
> Si rixæ est, ubi tu pulsas, ego vapulo tantum."

The noble Lord expressed his surprise that the result of my right hon. Friend's motion should be of so trifling a character. But may I not be permitted to express my surprise at the observations of the noble Lord in this respect? What! is the vindication of the character of a British merchant, and the protection of the commerce of this country, such trifles in the eyes of the noble Lord, that he can be surprised at my right hon. Friend's interference on their behalf? It may be an insignificant matter in the eyes of the noble Lord, and a few tons of salt may seem to him to be a mere trifle; but the subject is one which involved as great a stake as if the cargo were of precious stones; and, at all events, that is no language for a Foreign Secretary of this kingdom to use when any of its interests are at issue. It is no matter what may be the size of the vessel seized—it boots not what is the nature of her cargo: it may be salt or it may be diamonds—the House of Commons is the place where such a case as this question involves should alone be decided. The noble Lord, in the beginning of his speech, certainly exonerates Mr. Bell from blame—he acquits him of wrong, and he casts no stigma on him: but, long before he concludes, he casts them on him in abundance. Why is it so? The noble Lord, at the outset of his observations, denies the committee moved for by my right hon. Friend, on the grounds that Mr. Bell's character is intact; but the noble Lord cuts himself off from that ground by casting imputations on that Gentleman's character before he concludes his speech. I know nothing of Mr. Bell—I have no acquaintance with him — I have no knowledge of him, except in his capacity of a British merchant; but still, I think, the noble Lord might have done his own cause more service, if he had not endeavoured to damage Mr. Bell. The noble Lord has cast imputations on Mr. Bell's character. I have his words. They are —"Mr. Bell was endeavouring to entrap me, under false pretences."

Viscount *Palmerston* denied having employed the word false. He only said, that Mr. Bell was endeavouring to trap him under pretences.

Sir *Robert Peel:* Well, be it so. The noble Lord also says, that Mr. Bell was concerned in an attempt to involve two great countries in a war. Why, what motive could a British merchant have to promote a war between two countries such as Russia and England, unless he acted under the direction of his own Government? If, as the noble Lord has stated, Mr. Bell possesses large property in Russia, what motive could he have—still more so as a British merchant—in promoting a war between the two countries, unless he understood that it would please the noble Lord, or some one in power and authority? I am given to understand that Mr. Bell would be a great loser in the event of such a war, and the noble Lord has quite failed in assigning any reason why he should desire it. If the noble Lord had succeeded in showing that Mr. Bell was acting on intelligence with the British Government, I should have been able to understand it, however unwise I might deem his conduct. The motive in that case would be obvious. Now it is not; and, therefore, the noble Lord is at fault in his observations respecting him. After listening to the speech of the noble Lord and the hon. and learned Gentleman behind him, I ask myself, for what purpose are the different departments of the State in this country constituted? Are they to assist British merchants—to counsel, to guide them, to point out when they are wrong, and to encourage when they are right? If the case before us be taken as a specimen, I should rather say, that they were established for the purpose of bewildering him. The noble Lord has said, that he is himself the "Foreign-office," and that no authority but his was to be taken in all matters connected with that department. What does the noble Lord mean? Does he exclude altogether the Under Secretaries from all share in it? Does he mean to say, that British merchants and consuls communicating with the Foreign-office were not to take anything on the authority of an Under Secretary of State, unless he proclaims it at each word to be derived from the noble Lord alone. Is every communication not made in that manner to be looked upon as invalid? I have been Under Secretary of State myself. I have been Secretary of State also, and though I know not what foreign ambassadors might do, I do know, that no British merchant would look at the difference between Secretary and Under Secretary, in the way of information relative to his business. In cases of such a confidential nature as that under discussion, an Under Secretary would venture to make a communication without authority. The objection, therefore, is an invalid one, and the line of difference drawn by the noble Lord cannot be sustained. Let us now consider the position of Mr. Bell as a British merchant, after he had sought information on the subject from the public authorities. In 1831 the noble Lord received a distinct intimation from Russia, that she meant to establish fiscal rights on the coast of Circassia. The noble Lord says, that it would not be convenient to communicate that intelligence to the public. Granted. But when did Mr. Bell make inquiries respecting it? Years after. According to the laws of Russia, the Black Sea was to be open to all vessels; but that they could only touch at certain ports on the eastern shore, where quarantine and custom-houses were established. What communication did the noble Lord make to Russia on receipt of this intimation of her intention? I will agree with him, that it may not have been convenient to make it public at Lloyd's at the time, but what communication did he make to Russia, when he learned that Circassia was to be no longer an independent power? What did he say when he was informed, that Mr. Bell's vessel had been seized? In a letter of Lord Durham to the noble Lord, it is said, that the forcible interference of any foreign power with the peaceful occupation of a country was to be condemned. Perhaps, he had heard of the noble Lord's opinion. Was not Mr. Bell justified in undertaking this voyage under such circumstances? What satisfied Lord Ponsonby after the seizure of Mr. Bell's vessel? Was it the decision of a Russian judge—some Scythian Lord Stowell? No; all the authority ever exhibited for the act was an imperial order, dated St. Petersburgh, and directed to the Russian Admiralty in the Black Sea, directing it to confiscate the Vixen, and declaring it and the cargo a good prize. The noble Lord, he was sure, would never think of relying on such an authority in a question where the law of nations was solely concerned. What other authority had the noble Lord? That of Count Nesselrode, who said, that the reason assigned for the confiscation of the Vixen was, that she entered a port ceded to Russia by the treaty of Adrianople; and the justification was twofold—first, having on board a cargo not allowed by the fiscal regulations of Russia; and, second, having entered a port declared to be then in a state of blockade. If such an official declaration could be had so easily from Russia, and was deemed satisfactory by the noble Lord, why had he not essayed to procure a similar satisfactory explanation from that country relative to the declaration made by Russia six years before? Between the 19th of April and the 23rd of May, a remarkable change from official declaration to satisfaction occurred in his manner—all apparently induced by the assurance received from Count Nesselrode, that Turkey had ceded the coast in question to Russia by the treaty of Adrianople? Again, I ask, why did he not apply to Russia at the proper time for some similar assurance or explanation respecting her claim to a right of blockade on that coast? Why did he not protest against that Ukase, and so have retained to himself the power to have contested the assumption at any time he thought proper? He might have said "I have received such a declaration, 'tis true, but I will not admit its force." That might have been consistent and politic; but there was nothing of the kind done or thought of, and almost as soon as the question was raised, it was set at rest on the satisfactory assurance of Count Nesselrode that the coast had been ceded by Turkey. Certainly, Mr. Bell did not receive the most satisfactory assurance or information on the subject. He applies to the Foreign-office, and he is told "Look to the *Gazette*, and see if the blockade be recorded there." There certainly was no direct communication from the noble Lord at the head of Foreign Affairs to warrant Mr. Bell's enterprise, but looking to the communications of Mr. Urquhart and Lord Ponsonby with him respecting the rights of Russia and the protection of England I don't see how any man could come to any other conclusion than what Mr. Bell did respecting his right to trade and his claim to the protection of his country. The noble Lord may say, that Lord Ponsonby might, in his explanation, have confounded the ideas of blockade and "fiscal regulations," but he does not allow Mr. Bell that excuse. Extending to the noble Lord himself that excuse—allowing him to have interpreted the edict of Russia in 1831 to have duly extended to "fiscal regulations"—it may be easily inferred, that he need not have taken the trouble of protesting against or contesting such a harmless edict. It certainly looks as if he had thought the whole affair a trifle, till the affair of the Vixen enlightened him, for he had six years to think of the matter, and yet said nothing about it. The noble Lord said, that Mr. Bell might have had a political object in his commercial speculations. It appeared, however, that Lord Ponsonby himself was a willing party to this political object, according to the statement of Mr. James Bell. He says, in his account of his interview with Lord Ponsonby:—

> "I then informed his Lordship, that it was my intention to proceed in a vessel I expected daily to a certain point on the coast of Circassia, which I had fixed upon as most eligible for the trade I had in view; and that, as I had ascertained before leaving London, that our Government did not acknowledge any right on the part of Russia to impede trade with the country in question, and as nothing seemed to have since occurred to change the position of affairs, I should endeavour to attain the object I had in view, and should not be diverted from it, unless force were employed on the part of the Russian Government, in which case I should seek redress from the British Government, and hoped to obtain his Lordship's aid in so doing. In reply to this, his Lordship stated, that he perfectly coincided in the propriety of the plan I had adopted, to which he had no objection whatever to offer, as he considered it an indisputable point that Russia had no right to interfere with, or prescribe rules for, British trade with Circassia; and that, if I adhered to the straightforward course detailed to him, he had no doubt of my being able to establish a claim for support from the British Government, in which he would be glad to render me all the assistance in his power, requesting me at the same time to transmit him information as to what success attended my enterprise."

What, then, did Lord Ponsonby mean when he told Mr. Bell that it must be necessary, for his own interest, carefully to avoid everything that would wear even the appearance of an attempt to evade a blockade? He could not mean "fiscal regulations" here? I must say, that if Mr. Bell became a politician, you made him so by your advice, countenance, and support. You told him that Russia had no right to demand dues, though she might have to blockade the coast. Where is the British merchant who would not attempt to trade when so assured and supported? From Lord Ponsonby, he goes to Mr. Urquhart, and, if by his official advice, Mr. Bell went wrong; the noble Lord who appointed Mr. Urquhart, and sent him to Constantinople, is responsible, and not the British merchant who acts on his information. I am aware, that this case is one of a very peculiar nature, and I may say peculiar hardship. A court of law, I fear, will not grant redress. I do not say, that a House of Commons would give redress, but I say that there is a strong case for inquiry. There are three distinct points in favour of Mr. Bell: first, the six years' concealment of the blockade by the noble Lord at the head of Foreign Affairs; second, the dry answer returned to Mr. Bell when he demanded such information as might have served for his guidance from the only competent authority; and third, the further encouragement given him abroad by Lord Ponsonby and Mr. Urquhart, all form solid grounds for this inquiry. The noble Lord says he will resist it. It would be dangerous, perhaps, to give the political portion of the subject into the hands of a Select Committee, but the demand for inquiry stands upon grounds to which that objection cannot fairly be made. A British merchant comes before the House of Commons, and states, that he has been encouraged by the Government to embark in an enterprize, by which he has lost his property, through foreign interference and aggression, and that he can obtain no redress. He declares, that the Courts of Law are not available to afford him compensation—that the insurance offices will afford him no redress—and that, as a last resource, he applies to you. You may refuse him this redress; but if you do, I forewarn you that your decision will not be satisfactory to the public, who look attentively at these proceedings—and still less will such a decision be satisfactory to the great and intelligent body of British merchants, so deeply interested in the case, and who so naturally look to you for protection, sympathy, and justice.

Lord *John Russell* could not agree with the right hon. Gentleman in thinking, that any case had been made out for inquiry; and as he did not think that any such case had been established, he must object to the motion. The right hon. Gentleman's case was this,—that they ought to appoint a select committee for the purpose of inquiring how a British merchant had been treated by the Foreign office. In the first place, then, as to the inquiry, and with regard to the facts which they might have to investigate, he asked what facts were there to be ascertained, which they did not know from the papers before them. And, then, what redress was asked from them by Mr. Bell? The redress was this, that they were to enforce against the Government of Russia the claims of a merchant who insisted, that he had been injured by that Government; and then, if they did not obtain that redress, they were to go to war with Russia. This was what they were called upon to do, and yet they were told, that the Select Committee were not to go into any such points as the occupation of the coasts of Circassia, or to examine the question regarding the propriety of the seizure; that they were, in fact, to avoid those very questions upon which Mr. Bell asked them for redress. They were to avoid all this, and they were to have merely a Select Committee of the House of Commons for no purpose whatever; for it was not to inquire into the facts, and it was not to give any competent relief. It might, indeed, be said, that there was one point which the committee could establish, and that was, to establish the right and the duty of the Foreign Secretary of State to give notice to every British merchant of the regulations by which they might be affected in trading to all parts of the world. Whether such regulation would be beneficial to the Government of this country, or to the trade of this country, it was for the House to declare. Even putting the case which had been quoted by Mr. Bell himself, and in accordance with which he had proceeded in his voyage with the Vixen, it would be found that great inconveniences would follow from it. What at the time the southern states of America had declared their independence of Spain, would have been thought of a British merchant going to Mr. Canning to ask him with regard to the blockade of those coasts, or what answer could have been expected from him? Would he have been bound to enter into explanations on the part of the Government of this country with respect to the regulations of the Spanish Government in the trade with Peru? And yet if a ship had gone thither, and attempted to enter into a port of which the Spaniards still retained possession, it would undoubtedly have been found that the Spanish Government would have applied to that vessel the enforcement of those laws which Spain had resolved to act upon with respect to all such ships. Could Mr. Canning be expected to lay down the precise regulations which should prevail between this country and the states, the independence of which had been scarcely established This was, in fact, a question of foreign policy which might be in a doubtful and difficult state for years, and which went to affect the relations between this country and Russia. With this, too, there were other points to be determined. Government might feel a difficulty in determining them; but here it was proposed that all were to be regulated by the resolutions of a Select Committee sitting up stairs, and of which five were to be a quorum; and they were to determine, that for all future time every Secretary of State was, by himself or by the Under Secretary of State, to declare what were the regulations of Russia, France, and of every other country; and this at the simple and single demand of any merchant who might be half a politician, or of some politician who might, perhaps, be but half a merchant. He then came to the assertion of the right hon. Gentleman who had last spoken as to one part of his noble Friend's speech with regard to the authority required to give effect to any communication coming from the

Foreign-office. His noble Friend had not asserted, and did not mean to assert, that any official communication coming from an under-secretary of state, was not of equal authority with that which had been written by the Secretary himself. What his noble Friend had done, and he meant to do nothing more, was to refer to that which had been done in the course of the present debate, where, in explanation of the foreign policy of this country, the House had found, that a private letter had been quoted. A letter they perceived, had been quoted, which had not been written by the direction of the Secretary of State, but which had been written by a person in a confidential situation in Constantinople, and which was brought before the public only by means of a gross breach of confidence. This letter had been quoted most improperly. He was astonished that it had been done by the right hon. Gentleman, who ought to be a very grave authority on such points. He was astonished that the right hon. Gentleman, who was himself conversant with the usages of Government, and who had even filled a diplomatic situation, should have seen this done, and not have visited the transaction with his most severe censure and reprobation. It was in consequence of such proceedings that his noble Friend had stated, that he would not be responsible for anything which did not emanate from the Secretary of State. It was a declaration which his noble Friend would never have felt it necessary to make if the right hon. Gentleman opposite had not in the course of the debate astonished the House by giving occasion for it. The right hon. Gentleman, with respect to the state of relations between this country and Russia had omitted to notice that which he thought the right hon. Gentleman could not be unaware of—the dispositions made by Russia herself with respect to different parts of Circassia. This was a matter which could only be expected to be treated of in a debate upon their foreign relations, and yet it was brought, as it might be said, edgeways into a motion on the claim of Mr. Bell for the loss of his vessel, and which certainly did affect the amicable relations between this country and Russia. What was the state of the port where Mr. Bell's vessel was reported to have been received? It was acknowledged by Russia that the port had belonged to Turkey; it was so acknowledged in the treaty of 1783. In the map referred to by the right hon. Gentleman, a great part of Circassia was laid down as belonging to independent tribes. But three of the places were laid down as belonging to Turkey at that period. These were Soudjouk-Kalé, Pate, and Anapa, and these three had been transferred by name to Russia. It was a very important question, much too important to refer to a committee, whether the claim of Russia were well founded, whether it were established by treaty, whether it was acknowledged by Lord Aberdeen when he was foreign secretary, whether according to the assertion of Russia, the coast belonged *de facto* as well as *de jure* to her; all these were important questions, but with regard to the particular point at which this vessel was seized, that point was acknowledged to have belonged to Turkey, and to have been transferred to Russia, and at which point, therefore, Russia had a right to establish internal regulations, both sanatory and fiscal. In what manner, then, ought they to have treated the question of Mr. Bell, when he came with a general question about trading with Circassia? Was the Foreign Secretary to write a dispatch, stating the whole of the treaties between Turkey and Russia, referring to the treaty of 1783, and the treaty of Adrianople, and explaining to Mr. Bell the whole of the foreign policy of this country, and stating the proper manner of construing those treaties? Would not this be a most absurd course? It was one, of which no former Government, and no former secretary had afforded a precedent, and which could hardly have been expected from his noble Friend. Then Mr. Bell said, that the only answer he received was, that no blockade was recognised. Why, that was the question put, and he was referred to the Gazette in which blockades are notified. Was it, then, to be inferred that he got no further information? The right hon. Gentleman himself (Sir S. Canning) was obliged to confess, that when Mr. Bell got to Constantinople, he was informed by Lord Ponsonby of the Russian regulations respecting the ports of Circassia. Mr. Bell himself stated, that he was informed by Lord Ponsonby that he had transmitted the note of the Russian Chargé d'Affaires to the King's Government. If, then, Mr. Bell had obtained that information—if he had been told by Lord Ponsonby, that those regulations had been issued by the Russian authorities, but that he had no right to recognise them or enforce them, but that he had sent them to the Government at home, to know whether they would recognize them—how could Mr. Bell infringe and break those regulations in the perfect confidence that he would be supported in so doing? The inference to be drawn was, that if Mr. Bell violated those regulations he was at least incurring considerable peril. He might risk the loss of his cargo, and he might produce an unfriendly state of relations between Great Britain and Russia. Mr. Bell, however, did not take this advice, and Mr. George Bell, in his letter stated as his reason for so doing, that he had not the least idea of the possibility of other restrictions being in existence, and that he always understood that Circassia was subject only to the rule of its native kings. If that was his opinion, should he not have taken more precaution to ascertain what was the state of the coast? At all events the ports on the coast of Circassia had been occupied by Turkey and the Turkish arms. They had been given up in the former treaty of Adrianople, and those ports had been occupied by the Russian arms since; and how could Mr. Bell, in the face of these facts, say, that he believed the whole coast was independent, and that Russia had no right to establish anything but a belligerent blockade. He could only consider this question in one of two points of view. Either the British Government ought to have prosecuted the case as one in which they had a right to demand reparation from Russia, and to obtain which we ought to have gone to war.—[*Cheers.*] The right hon. Gentleman (Sir S. Canning) cheered. If that were his opinion why make this motion? If the right hon. Gentleman was of opinion, that the British Government had betrayed the interests of Great Britain by not seeking reparation for the seizure of the Vixen, by hostilities, why drop the whole of that case, and merely bring forward a case without any possible or intelligible object, except to know what losses Mr. Bell had suffered, and whether he might have received notice to enable him to have saved his cargo? The other point of view in which he saw this question was, the right they had to go to war. If Russia had a right to seize the vessel at the port she did seize it at, in that case there was no case for inquiry. Mr. George Bell took upon himself all the risk. Mr. Bell might or he might not have had some object beyond commercial enterprise. He did not say, whether Mr. Bell had or not, but at all events he took upon himself any risk that might arise; and if he violated the regulations of Russia—if he entered a port in which he was not allowed to land any goods whatever, he must suffer the risk of his own imprudent speculation, and there was no need of Parliamentary inquiry. Let the House consider supposing the committee were appointed, what redress could they give Mr. Bell? They must be prepared to say, that Russia was justified, or was not justified. If they considered this, they were really considering a question of peace or war; and if they refused to consider it, he could not see upon what grounds or pretence any question whatever arose. He must again express his regret, that the right hon. Gentleman opposite (Sir S. Canning) had used the quotation he had made from one of the newspapers of the day. He did hope, that at least the right hon. Gentleman would say, for he did not hear him say in his opening, that he did think, that the confidential servants of Government, persons employed in a position where they were naturally intrusted with the secrets of Government, should not be at liberty, either upon dismissal or on any other pretence whatever, to make public those secrets. He was sure, that if the public press were used for such purposes, that freedom of publication, of which they were so proud, would render them unequal to cope in diplomacy with other powers who visited with the severest punishment any such breach of confidence.

Sir *Stratford Canning* replied: With respect to the appeal made to him by the noble Lord on the subject of the correspondence he had quoted, he had only to state, that he considered, that it was sufficient justification to have found that correspondence published in the public press. He certainly conceived, that he might rest his justification on having found the letter of Mr. Urquhart published in the daily papers; but when he considered the circumstances under which that letter was published, when he remembered the circumstances under which he moved for the papers in question, and the reason given by the noble Lord (Lord Palmerston), he was satisfied, that he would be more than justified in the opinion of the House at large in having made use of this letter in reference to this question. If he had been in the place of Mr. Urquhart, he should not only have felt himself at liberty but that it was incumbent on him to pursue the course which that Gentleman had taken; and whatever responsibility was incurred, rested on the noble Lord (Lord Palmerston). What was his opinion as to whether this letter was a fit object of publication, was not now called into account; but taking the publication in connection with the circumstances which occurred on Saturday, and likewise with the fact, that he was called on by the petitioner to apply for the letter as bearing materially on the question, the act, if it were one of indiscretion, was the noble Lord's. All he could say for himself was, that if he thought it necessary to take lessons of discretion, he should not go to the noble Lord's school for instruction.

The House divided: — Ayes 184; Noes 200: Majority 16.

List of the AYES.

Acland, Sir T. D.
Acland, T. D.
A'Court, Captain
Adare, Viscount
Alford, Viscount
Alsager, Captain
Arbuthnot, hon. H.
Attwood, W.
Attwood, T.
Bagge, W.
Bagot, hon. W.
Bailey, J.
Bailey, J., jun.
Baillie, Colonel
Baring, hon. W. B.
Bell, M.
Bentinck, Lord G.
Bethell, R.
Blackburne, I.
Blackstone, W. S.
Blair, J.
Blennerhassett, A.
Boldero, H. G.
Bolling, W.
Bradshaw, J.
Broadley, H.
Broadwood, H.
Brownrigg, S.
Bruce, Lord E.
Bruges, W. H. L.
Buller, Sir J. Y.
Burdett, Sir F.
Burr, H.
Burrell, Sir C.
Burroughes, H. N.
Calcraft, J. H.
Canning, rt. hn. Sir S.
Chandos, Marquess of
Chute, W. L. W.
Clerk, Sir G.
Cole, hon. A. H.
Cole, Viscount
Crompton, H. C.
Corry, hon. H.
Courtenay, P.
Creswell, C.
Darby, G.
De Horsey, S. H.
Dick, Q.
Douglass, Sir C. E.
Dowdeswell, W.
Dunbar, G.
Duncombe, hon. W.
Dungannon, Viscount
Eastnor, Viscount
Egerton, Sir P.
Egerton, Lord F.
Eliot, Lord
Ellis, J.
Estcourt, T.
Estcourt, T.
Farnham, E. B.
Feilden, W.
Fellowes, E.
Filmer, Sir E.
Fitzroy, hon. H.
Foley, E. T.
Forester, hon. G.
Gaskell, J. M.
Gibson, T.
Gladstone, W. E.
Godson, R.
Gordon, hon. Captain
Gore, O. J. R.
Goulburn, rt. hon. H.
Graham, rt. hn. Sir J.
Grimsditch, T.
Grimston, Viscount
Grimston, hon. E. H.
Hale, R. B.
Halford, H.
Hardinge, rt. hn. Sir H.
Hawkes, T.
Hayes, Sir E.
Heathcote, Sir W.
Henniker, Lord
Hepburn, Sir T. B.
Herbert, hon. S.
Herries, rt. hon. J. C.
Hillsborough, Earl of
Hodgson, R.
Holmes, hn. W. A'C.
Holmes, W.
Hope, hon. C.
Hope, G. W.
Hotham, Lord
Houldsworth, T.
Houstoun, G.
Hughes, W. B.
Hurt, F.
Ingestrie, Viscount
Jackson, Sergeant
James, Sir W. C.
Jermyn, Earl of
Johnstone, H.
Jones, T.
Kelly, F.
Kemble, H.
Kerrison, Sir E.
Kirk, P.
Knight, H. G.
Knightley, Sir C.
Knox, hon. T.
Lascelles, hon. W. S.
Lefroy, right hon. T.
Liddell, hon. H. T.
Litton, E.
Lockhart, A. M.
Lowther, hon. Colonel
Lowther, Viscount
Lygon, hon. General
Mackenzie, T.
Mackenzie, W. F.
Maclean, D.
Mahon, Viscount
Marton, G.
Master, T. W. C.
Maunsell, T. P.
Miles, W.
Miles, P. W. S.
Miller, W. H.
Mordaunt, Sir J.
Morgan, C. M. R.
Neeld, J.
Neeld, J.
Nicholl, J.
Norreys, Lord
Pakington, J. S.
Parker, T. A. W.
Patten, J. W.
Peel, rt. hon. Sir R.
Pemberton, T.
Perceval, Colonel
Pigot, R.
Planta, right hon. J.
Polhill, F.
Pollen, Sir J. W.
Praed, W. M.
Praed, W. T.
Pringle, A.
Pusey, P.
Rae, rt. hon. Sir W.
Reid, Sir J. R.
Richards, R.
Rickford, W.
Rolleston, L.
Rose, right hon. Sir G.
Round, C. G.
Round, J.
Rushbrooke, Colonel
Rushout, G.
Sandon, Lord
Scarlett, hon. J. Y.
Shaw, right hon. F.
Shirley, E. J.
Sibthorp, Colonel
Sinclair, Sir G.
Smyth, Sir G. H.
Stanley, E.
Stanley, Lord
Stormont, Vicount
Sugden, rt. hn. Sir E.
Teignmouth, Lord
Tollemache, F. J.
Trevor, hon. G. R.
Tyrell, Sir J. T.
Vere, Sir C. B.
Waddington, H. S.
Walsh, Sir J.
Williams, W.
Wodehouse, E.
Wood, Colonel T.
Wood, T.
Wyndham, W.

TELLERS.

Baring, H. B.
Fremantle, Sir T.

List of the NOES.

Abercromby, hn. G. R.
Acheson, Viscount
Adam, Admiral
Aglionby, Major
Ainsworth, P.
Archbold, R.
Baines, E.
Ball, N.
Bannerman, A.
Barnard, E. G.
Barry, G. S.
Beamish, F. B.

Bennett, J.
Berkeley, hon. C.
Bernal, R.
Bewes, T.
Blake, M. J.
Blake, W. J.
Blunt, Sir C.
Bodkin, J. J.
Bridgeman, H.
Briscoe, J. I.
Brocklehurst, J.
Brodie, W. B.
Brotherton, J.
Buller, E.
Bulwer, E. L.
Busfield, W.
Callaghan, D.
Campbell, Sir J.
Campbell, W. F.
Cave, R. O.
Cavendish, hon. C.
Cavendish, hon. G. H.
Cayley, E. S.
Chalmers, P.
Chester, H.
Chetwynd, Major
Chichester, J. P. B.
Childers, J. W.
Clayton, Sir W. R.
Clive, E. R.
Collier, J.
Collins, W.
Cowper, hon. W. F.
Craig, W. G.
Crawley, S.
Crompton, S.
Curry, W.
Dalmeny, Lord
Dashwood, G. H.
Davies, Col.
Dennison, W. J.
Dennistoun, J.
D'Eyncourt, rt. hn. C.
Duckworth, S.
Duff, J.
Duke, Sir J.
Dundas, C. W. D.
Dundas, F.
Dundas, hon. J. C.
Dundas, hon. T.
Easthope, J.
Elliot, hon. J. E.
Ellice, Captain A.
Etwall, R.
Evans, Sir D. L.
Evans, G.
Fazakerly, J. N.
Fenton, J.
Fergusson, Sir R. A.
Ferguson, R.
Fergusson, rt. hn. C.
Fleetwood, P. H.
French, F.
Gillon, W. D.
Gordon, R.
Greenaway, C.
Grey, rt. hn. Sir C.
Grey, Sir G.
Harland, W. C.
Hastie, A.
Hawkins, J. H.
Heathcoat, G. J.
Hindley, C.
Hobhouse, right hon. Sir J.
Hobhouse, T. B.
Hodges, T. L.
Holland, R.
Horsman, E.
Hoskins, K.
Howard, F. J.
Howard, P. H.
Howard, R.
Howick, Viscount
Hutt, W.
Ingham, R.
Jephson, C. D. O.
Kinnaird, hon. A. F.
Labouchere, rt. hn. H.
Langdale, hon. C.
Lemon, Sir C.
Lennox, Lord G.
Leveson, Lord
Lister, E. C.
Lushington, Dr.
Lushington, C.
Lynch, A. H.
Macnamara, Major
M'Taggart, J.
Maher, J.
Marshall, W.
Marsland, H.
Martin, J.
Maule, hon. F.
Melgund, Viscount
Mildmay, P. St. J.
Milton, Viscount
Moreton, hon. A. H.
Morpeth, Lord
Morris, D.
Murray, rt. hon. J. A.
Muskett, G. A.
O'Connell, D.
O'Connell, J.
O'Connell, M. J.
O'Connell, M.
O'Conor, Don.
O'Ferrall, R. M.
Ord, W.
Palmer, C. F.
Palmerston, Viscount
Parrott, J.
Pattison, J.
Pease, J.
Pechell, Captain
Pinney, W.
Ponsonby, hon. J.
Power, J.
Price, Sir R.
Prothero, E.
Pryme, G.
Rice, right hon. T. S.
Roche, E. B.
Roche, W.
Roche, D.
Rolfe, Sir R. M.
Rumbold, C. E.
Rundle, J.
Russell, Lord J.
Russell, Lord
Russell, Lord C.
Salwey, Colonel
Sanford, E. A.
Scholefield, J.
Seale, Colonel
Sharpe, General
Sheil, R. L.
Smith, J. A.
Smith, B.
Smith, R. V.
Somerville, Sir W. M.
Spiers, A.
Stanley, W. O.
Stansfield, W. R. C.
Staunton, Sir G. T.
Steuart, R.
Stewart, J.
Stuart, Lord J.
Stuart, V.
Strickland, Sir G.
Strutt, E.
Style, Sir C.
Surrey, Earl of
Talbot, C. R. M.
Talfourd, Sergeant
Thomson, rt. hn. C. P
Thornley, T.
Townley, R. G.
Turner, W.
Verney, Sir H.
Vigors, N. A.
Villiers, C. P.
Vivian, J. H.
Vivian, rt. hn. Sir R. H.
Walker, R.
Wallace, R.
Warburton, H.
Ward, H. G.
Westenra, hon. H. R.
Westenra, hon. J. C.
White, A.
Wilde, Sergeant
Winnington, T. E.
Winnington, H. J.
Wood, G. W.
Woulfe, Sergeant
Wrightson, W. B.
Wyse, T.
Yates, J. A.

TELLERS.

Parker, J.
Stanley, E.

HOUSE OF LORDS,

Friday, June 22, 1838.

Minutes.] Petitions presented. By Earl **Fitzwilliam**, a great number from Northamptonshire, Yorkshire, and other places, praying for the Immediate Abolition of Negro Slavery.—By Lord **Ashburton**, from the Merchants of Liverpool, complaining of the injury done to the Commercial interests by the management of our Foreign Affairs.—By Lord **Belhaven**, from the General Assembly of the Church of Scotland, complaining of the deficiency of Church Accommodation.

Poor-law (Ireland).] The House again went into Committee on the Poor Relief (Ireland) Bill.

After Clause 68,

Viscount *Melbourne* rose to propose the insertion of a clause consequent upon the clause which had been struck out, and which exempted from rating all tenements under the value of 5*l*. The clause which he now proposed would give power to the guardians of the poor to determine who should be rated. It was clear, that somewhere should be vested this discretionary power. It had been suggested that it would be proper to allow the boards of guardians to give relief at discretion, and he therefore submitted this clause for the consideration of the House.

The Earl of *Wicklow* was certain that if their Lordships persevered in excluding the 5*l*. clause it would be highly inexpedient to admit the clause of the noble Viscount as a substitute. The noble Lord's clause was founded on the law as it existed in this country, but the power of exemption was placed in the vestry here, and Parliament had not given the power to the board of guardians. Now, he (the Earl of Wicklow) was informed that this very power was one of the greatest grievances in the existing poor-law, and which was desired to be removed; and if the grievance were great when this power was in the hands of the vestry, it would be infinitely greater when vested in the boards of guardians. What could be more mischievous to the good working of the bill than that the guardians should be canvassed by those who elected them, and who would make applications to be discharged from the payment of rates by themselves and others, and the guardians, however they acted, would have subjected themselves to the charge of gross partiality? It would be difficult to procure guardians even as it now stood, but that difficulty would be greatly increased if they added this invidious duty. He thought that if there were any exemptions they should be stated in the act itself, and either that there should be no exemption at all, or else that they should reinsert the *5l.* clause, which in Ireland was not a large amount almost every cotter who occupied a cabin paying 1*s.* a week, or half that amount. He thought also that it was very invidious, when the representatives of the people had made an exemption of a large body of people from taxation, that their Lordships should re-impose that tax. Such a course would be highly objectionable. Another reason in favour of a return to the *5l.* clause, and which had much weighed with the other House when it was adopted, was that the bill without it would immensely increase the constituency; for every man who paid rates would have a right to vote, and many evils might arise from this.

Lord *Portman* agreed in the inconvenience of throwing upon the guardians the duty of making these decisions, and was of opinion that it would give rise to a canvass of the guardians of a most objectionable kind; still, however, he objected to the clause because he thought that all property should be rated, and he hoped, therefore, that the noble Viscount would not see sufficiently strong reasons for pressing this clause.

Lord *Ellenborough* said, that the clause did not place the two countries on the same footing, because in England there was an examination into the particular circumstances of every person relieved, whilst under this clause whole classes might be exempted.

Lord *Melbourne* would not then press the clause; but before the third reading noble Lords might consider of it.

Clause withdrawn.

On Clause 71 being proposed,

The Earl of *Wicklow* said, that he here wished to reinsert a clause, which was originally in the bill when it came from the House of Commons, but which had been struck out by their Lordships in Committee. The object of it was, to exempt all tenants and occupiers whose rent did not exceed *5l.* a-year from being liable to bear the rate, by empowering such tenants to deduct the amount of the rate paid by them from the rent payable to their landlords.

Earl *Fitzwilliam* apprehended the effect of this clause would be, to induce the proprietors of land in Ireland to accelerate the system of clearing away all small tenants, and the consolidating of small farms into large ones.

Lord *Ellenborough* said, he had calculated the probable expense of carrying this bill into operation, and he found that it was not likely to exceed 7½ per cent. on the rental of Ireland; the inducement, therefore, which would be offered to the landlords to make a total alteration in the management of their property injurious to their tenants would not be greater than 3¾ per cent. upon the rental, the landlords being themselves, by this bill liable to pay one half of the rate to be imposed. He did not think that this was sufficient to induce them to alter their existing arrangements, even if they were supposed to be void of all common sense as well as humanity.

The Marquess of *Clanricarde* was opposed to the clause because it was against the broad principle recognised by their Lordships—that property should pay for the support of the indigent. If then they made an exception to that principle, he should like to hear why the exception should be limited to a rent of *5l.*, why not extend to *50l.*? A great many persons thought the sum ought to be *20l.* while many others were of opinion that it ought to be *2l.* This *5l.* clause could be sustained in no point of policy.

Lord *Hatherton* was of opinion that it would be a very mischievous thing to limit the number of contributors to the poor-rate; and he was convinced that if their Lordships restored this *5l.* clause of exemption it would operate greatly to the disadvantage of the poor tenants, as it would induce their landlords to raise their rents from *2l*, *3l*, and *4l*, to *5l* and upwards, in order that tenants might be liable to pay one-half of the rate.

The Marquess of *Bute* assented to the principle that all property should be rated to the poor; but sound as that doctrine was in theory, it was found to be impossible to be sustained in practice. He should give his support to the clause proposed by the noble Earl.

The Duke of *Wellington* would, therefore, suggest to the noble Earl whether it would not be better to refrain from pressing the re-insertion of this clause till an opportunity had been given to consider the proposition of the noble Viscount?

The Earl of *Wicklow* was quite willing to adopt the suggestion of the noble Duke.

Amendment negatived without a division.

Remaining clauses of the bill, the schedules, and the preamble were then agreed to. On the motion that the chairman do report the bill, with the amendments, to the House,

The Marquess of *Clanricarde* expressed his hope, that in order to show, that the Legislature were desirous to proceed on facts, the estimates might undergo revision, not by persons acquainted only with the usages and circumstances of England, but by persons who were well acquainted with the wages of labour, and other circumstances of Ireland. The present estimates were absurd. The noble Marquess proceeded to instance the medical and other estimates as preposterously low. It was a great error also to consider that the workhouses would be only three-fourths full.

Viscount *Melbourne* acknowledged, that the estimates could not be implicitly relied on; but that was too frequently the case in documents of a similar nature. If they were too low, as the noble Marquess observed, it might not be difficult to submit them to revision.

The House resumed; the report was ordered to be received.

HOUSE OF COMMONS,

Friday, June 22, 1838.

Minutes.] Bills. Read a third time:—Vacation Sittings; Juvenile Offenders.

Petitions presented. By Mr. R. D. Browne, from Kilmaine, by Mr. Archbold, from Kildare and Munster, and by Lord Morpeth, from the Protestant and Catholic Landowners in the parish of Macroom, in the county of Cork, for the Abolition of Tithes.—By Mr. Colquhoun, from the Councils of Kilmarnock and Dumbarton, by Mr. Noel, from Teigh (Rutlandshire), and by Mr. Sanderson, from Colchester, for a reduction in the rate of Postage.—By Mr. Colquhoun, from the Associate Synod of Glasgow, against any alteration in the Licensing system in Scotland.—By Mr. Burroughes, from Norfolk, and by Sir G. H. Smyth, from a parish in Essex, to protect Ecclesiastical Property.—By Sir R. H. Inglis, from St. John, Leeds, for the protection and maintenance of the Established Church in Canada.—By Sir G. H. Smyth, from Bocking and Braintree (Essex), for the Immediate and Total Abolition of Slavery.—By Colonel Verner, from the city of Armagh, for the maintenance of the *10l.* Franchise.—By Captain Pechell, from the Brighton Railway Company, by Mr. Pease, from the Eastern Counties Railway, by Lord G. Lennox, from the London and Croydon Railway Company, and by Mr. Fector, from the South Eastern Railway Company, against the Mails on Railways Bill.—By Captain Alsager, from the Watermen of London, for Protection.—By the Attorney-General, from the Southern District of Edinburgh, against alteration in the Scotch Municipal Reform Bill; and from the Royal College of Surgeons in Edinburgh, in favour of the Irish Medical Charities Bill.—By Viscount Morpeth, from Queen's College, Dublin, to the same effect.—By Mr. Hindley, from Salford and Manchester, by Mr. Brotherton, from the Factory Operatives of Manchester, by Sir R. Inglis, from Factory Operatives in Manchester, by Lord Ashley, from upwards of sixty Clergymen at Bath, Bristol, and their vicinity, and from the Operatives of Manchester, Holmfirth, Mansfield, and numerous other places in the counties of York and Lancaster, in favour of the Ten Hours Bill.—By Mr. M. Philips, and by Viscount Morpeth, from Bradford, Batley Mill, Batley Old Mill, and various Mill-owners in Yorkshire, against the Factories Bill.—By Mr. Wallace, from the Inhabitants of Maryborough, for abolishing the Tolls between Dublin and Limerick.—By Sir P. Egerton, from the Board of Guardians of an Union in Cheshire, for alterations in the New Poor-law.—By Sir G. Clerk, from the Inhabitants of Dunfermline, against the Scotch Burghs Bill.—By Viscount Morpeth, from Witherby and Tadcaster, for the better Observance of the Sabbath; from the Dissenters of Barnsley and Dewsbury, against any additional Grants to the Church of Scotland; from Dewsbury, in favour of the Rating of Tenements Bill; from Messrs. Knowles and Robarts, Mill-owners in Yorkshire, for a measure authorizing the employment of Children of nine years of age for eleven hours a-day in Factories; and from the Parents of Children employed in Factories, for a restriction of the labour of Children to less than eleven hours per day.—By Mr. Harvey, from the Female Operatives employed in the Factory of Mr. Houldsworth, in Manchester, for a reduction of the hours of Labour; and seven other Petitions to the same effect, signed by 700 Female Operatives in Manchester.—By Mr. H. Johnstone, from the General Assembly of the Church of Scotland, praying a Grant to supply the deficiency of the means of Religious Instruction to the people of that country. [This Petition was rejected on account of its praying for a grant of money to which the assent of the Crown had not been given.]

Church of Scotland.] Sir *Robert Peel* said, it would be in the recollection of the House, that in the early part of

February, he put a question to the noble Lord, whether it was the intention of the Government to make any proposition with regard to church-accommodation in Scotland? In consequence of the late period of the previous Session in which the destitute state of the Scotch Church was brought under the attention of the House, it was too late to proceed with any measure; but in February he expressed a hope, that the whole subject of the report of the commissioners would attract the attention of her Majesty's Government, and that an application would be made to Parliament on the subject. The noble Lord, in reply, stated, that it was the intention of the Government to make a proposition on the subject, and that he would then state the general nature of his motion, but he did not think, that he should be able to propose a vote before Easter. He was most desirous of bringing the Report of the Commissioners of Ecclesiastical Inquiry in Scotland, so far as it related to religious destitution in Edinburgh and Glasgow, under the notice of the House. If the noble Lord still persevered in bringing forward that motion, he should avail himself of that opportunity to draw the attention of the House to the state of religious destitution in Edinburgh and Glasgow. He, therefore, begged to ask the noble Lord, whether it were his intention, in the course of the present Session of Parliament, to take the sense of the House on the measure relating to the Church in Scotland?

Lord *John Russell* acknowledged, that he had stated generally the outline of the measure he intended to propose. But he had now to state, in answer to a question from the right hon. Gentleman, that from various circumstances, some connected with the business of the House, and some connected with what had occurred in Scotland, it was not the intention of the Government to make any proposition to the House this Session.

Sir *Robert Peel* was quite sure, the House would feel, that when the noble Lord stated he feared he should not be able to propose any vote before Easter, he had a right to assume, the noble Lord did intend to propose a vote before the termination of the Session. That would, therefore, account for his not asking the noble Lord previously to Easter for any more detailed information, as he had a fair right to presume it was the noble Lord's intention to propose a vote subsequently. It became, therefore, necessary for him (Sir Robert Peel) to decide what course he should take; and, on the whole, considering the near approach of the coronation, the great arrear of business, and also the advanced period of the Session, and considering that the noble Lord had stated it was not his intention to call the attention of Parliament to this most important subject this Session, he had come to the conclusion, but with very great reluctance, that, on the whole, he was best consulting the interests of the question by not bringing it forward for discussion this Session. At the same time, he thought it necessary that he should announce on this occasion, that in the course of the next Session—independently of any course which the noble Lord might think fit to pursue—he should call the attention of the House to the subject of the report of the commissioners.

Lord *John Russell* hoped the House would allow him an opportunity of explaining as to the observation that he made, that he could not bring forward any measure on the subject before Easter. He begged to call the attention of the House to the circumstance, that there were but two days in the week in which he could bring forward a measure of this kind. Nearly four months of the Session were occupied on these days with two bills, namely, the Irish Poor-law Bill, and the Benefices Pluralities Bill. Under these circumstances, he could not have brought the measure forward since Easter.

Subject dropped.

FACTORIES.] The Order of the Day for the second reading of the Tithes (Ireland), Bill, having been moved,

Lord *Ashley* rose, for the purpose of moving, as an amendment, the second reading of the Factories Regulation Bill, which was the first Order of the Day. He did not mean to undervalue the importance of the bill of which the noble Lord opposite had just moved the second reading; but he must say, that he held the other Order of the Day to be quite as important. He had no other opportunity but the present of calling the attention of the House to the statement which he was requested to make on behalf of the children employed in the factories—to the repeated violations of the provisions of the bill which had been suffered to pass unnoticed, and to the total neglect and contempt with which the Government had treated all the representations and remonstrances which had been made to them upon this subject. He hoped, that the House would, without much difficulty, be convinced of the pressing necessity of providing some means this Session to afford relief to these miserable victims of the most abominable system that had ever prevailed in any civilised country. He was prepared to prove, that he had correctly characterised this system; and if any of his statements should be contradicted, all that he would ask for was a committee of inquiry. He made this appeal the more fervently, because he could show to the House that he himself had been deluded and mocked upon this subject by her Majesty's Government in the most unwarrantable manner. He had made repeated attempts to introduce amendments into the operation of the existing law, but the Government had invariably taken the matter out of his hand under the solemn promise that they would proceed with it themselves. And he (Lord Ashley), yielding to their representations and requests, had parted with the measure, and surrendered it into their hands. Government, however, had not moved in the matter. For two years he had been deluded in this way; and now he was told by the noble Lord, that Government had no intention of proceeding further with the subject this Session, and that the whole of this great question was to be brought in the most peremptory manner to a sudden stand-still. [The noble Lord entered into a succinct history of the delays which had taken place in bringing forward the Factories question since 1836. He then continued.] The noble Lord now stated, that the Session was so far advanced that he could not proceed with the bill. What argument could the noble Lord advance to justify the postponement of this measure? The noble Lord was perfectly well aware all along, that the coronation would take place. Would the noble Lord treat it as a matter of trivial importance, when the temporal and eternal interests of some hundred thousands of his fellow-creatures were at stake? He asked the noble Lord, whether the lives and limbs of his own fellow-countrymen were, in his estimation, of less value than those of the negroes? He was surprised, that the noble Lord should endeavour to evade in this manner what he should not disguise to be otherwise than an imputation upon the character of the Government, of having totally neglected the best interests of humanity. For this conduct, his Government would stand condemned in the estimation of every honourable-minded man in the kingdom. He would, therefore, conclude by moving the Order of the Day for the second reading of the Factories Regulation Bill.

Lord *J. Russell* thought, that whatever delusion existed with reference to this matter was a delusion which existed in the noble Lord's own mind, and which the noble Lord had created for himself, if he supposed that a great many factory children were suffering under the infliction of grievances. In reply to the noble Lord's statement, he had to observe, that there was an Act already in existence, which had been carried into operation as far as possible, and that the bill which he had introduced this Session—a bill which he was still ready to support—would be a bill for clearly defining the operation of the Act. The noble Lord did not seem to differ much from him in opinion. With regard to the existing Act he would only say, that, in accordance with his promise to carry the existing law into operation as efficiently as possible, Mr. Horner, in the report for the last quarter of the year 1837, said, that no very gross violation of the law had occurred in his district since the last report was furnished. There had been several cases in which it had been found necessary to inflict penalties. It was, however, very difficult to enforce the law upon this subject against the short-sighted interests both of the parents of the children and of the factory proprietors. He did not think it possible to avoid many violations of the law, particularly with respect to the age of the children—a point upon which much difference of opinion existed. It had assuredly been his intention to bring forward this bill, but to weigh its importance and the probable opposition which it would encounter against the importance of other bills with the consideration of the opposition which they were likely to meet with. The noble Lord seemed to imply, that it was a very easy thing to carry this bill through the House. There, again, he thought, that the noble Lord deluded himself, for he did not take into consideration the interests and feelings which were engaged against this bill. A bill might be passed to make the law more clear and defined; but while in the nature of the subject there was so much uncertainty—while there was so much difficulty in ascertaining the age of the children—seeing, also, that the interests of the manufacturers and the parents were likely to work against the operation of any law upon the subject, he could not promise the noble Lord or the House, that any such law could be carried into effect without its frequent violation both in tenour and in spirit.

Mr. *Goulburn* said, that the noble Lord had referred to a variety of matters having no connexion with the immediate question before the House. The noble Lord had led the House into all the intricacies and difficulties of the factory question generally, in order to evade the particular point under discussion. Such, likewise, had been the conduct of the noble Lord on former occasions towards his noble Friend, the Member for Dorsetshire. The complaint of his noble Friend was, that the existing factory law had been grossly violated, as was shown by the reports of every inspector up to the present moment, and, as was admitted by the Government itself, in having introduced a bill to remedy its defects. According to the proceeding of the Government itself, therefore, it was acknowledged, that the defects of the present law were susceptible of remedy. His noble Friend had justly remarked, that the interests of thousands of children were involved in this question; and such being the fact, there could be no doubt, that without at all interfering with the interests of manufacturers or the progress of their manufactories, it was within the power and became the duty of Parliament to exercise a control over the management of those children, in order to protect their comforts and their lives by diminishing the cruel demands made upon their labour. The inspector throughout all their reports complained of the violation of the law in this respect—that children of tender age had been worked beyond their strength. The noble Lord would not undertake the Bill, forsooth, because he would be thereby embarking in a measure of great difficulty—because he would have to encounter the feelings of the manufacturers on the one hand, and those of the parents on the other. But who asked the noble Lord to undertake it? Had his noble Friend asked him to do so, or had his noble Friend himself shrunk from the discharge of the duty—a duty which he thought consistent with every feeling of humanity? On the contrary, his noble Friend had proposed to introduce a measure himself with a view, as far as possible, to reconcile conflicting opinions, and render the present law effective. Who prevented him from doing so? Why, the noble Lord and the Government; who, be it recollected, did not meet his noble Friend by a manly avowal, that they would oppose him and maintain the defects of the law, but by a delusion, as it was justly termed. They told him, that if he would abstain from introducing a measure, they would themselves bring forward a bill for the purpose of repairing the defects of the existing law, and replacing the question on a more equitable footing. Having thus deluded his noble Friend, and induced him to abandon a measure to which he had devoted much of his time and talents, at the close of the second Session, after the assurance given by the noble Lord, the Government threw up their bill, leaving the children still subject to all the evils mentioned in the inspectors' report, and without any hope of Parliamentary relief, or even of any attempt at such, from the noble Lord opposite. His noble Friend had, therefore, adopted the only course which was open to him—that of entreating the House to go into the bill then upon the table, to take so much of it as was necessary to enforce the law, and thereby afford protection to the unfortunate children whose interests were at stake.

Mr. *P. Thomson* had listened with the utmost astonishment to the speech of the right hon. Gentleman, for greater misrepresentation of facts he had never heard. The right hon. Gentleman said, that Government had deluded the noble Lord, and had prevented him from proceeding with his bill for the protection of the factory children. He utterly denied that, and he challenged the noble Lord, and right hon. Gentleman to produce any proofs of their assertion. He was much inclined to doubt, too, whether the right hon Gentleman quite agreed with the noble Lord's views on this subject. What were the facts? In 1837, the noble Lord asked him whether it were the intention of Government to introduce a bill to amend the Factory Act. He replied, that such was their intention, but that he conceived that their bill would not meet the views of the noble Lord in favour of a ten-hour labour bill, and the placing restrictions on the labour of adults, as well as of children. The noble Lord's plan was, to place restrictions on all labour. Then the noble Lord had altered his plan, for such had been his plan hitherto, and Ministers never proposed the introduction of any bill to meet such views. The noble Lord said Ministers had subjected him to delusion on this subject this session. He denied it. A bill carefully drawn up was introduced this year, and it was the full intention of Government to go on with it. They had throughout been most anxious to proceed with it; but he would put it to any one who knows anything about the extent of the business before the House, whether it had been possible. The Gentleman, moreover, who had charge of the bill, was, for upwards of a month, absent from the House, in consequence of severe illness, in itself a sufficient explanation of the delay in the progress of the measure; but, independently of this, the state of public business had been such as to render it impossible to go on with the bill. The right hon. Gentleman talked about its being so very easy to frame an effectual bill for the protection of these children, but how happened it that the right hon. Gentleman, when he was himself at the head of the Home Department, did not take advantage of this facility of dealing with the subject, and protecting the children, in whose behalf he was now so vehement? He happened to know, that when the right hon. Gentleman was so situated, he turned a deaf ear to all representations made on the subject. The right hon. Gentleman was now, as then, well aware of the extreme difficulty of dealing with this question; and the right hon. Gentleman had, therefore, no right to treat the matter as an easy one, or to accuse Government of a want of proper care, or of a remissness of attention to its duties. The right hon. Gentleman had further charged the Government, that it was remiss in carrying the existing law into effect. He denied it altogether. He had introduced a bill to amend the law two years since; and instructions were issued by his noble Friend (Lord J. Russell) to all the factory inspectors, that they should carry out the spirit of the act to its fullest extent, and that every precaution should be taken that the child's age should be ascertained as satisfactorily as possible. So far from the Government not having exerted themselves to carry out the law, the testimony of Mr. Horner proved, that the inspectors had received the most positive directions not to grant a certificate to any child who had not attained the age of thirteen years, howsoever appearances might be to the contrary. He would freely admit, that legislation was required on the subject, but to be good for any thing, it should be a well-considered legislation. Both parties should have an opportunity of pleading their cause, and no hasty measure should be introduced on the subject. He believed that any restriction on the labour of adults would be fatal to the best interests of this country. He was not more interested for the masters and manufacturers than he was for the children, but he felt that it was impossible to look to the state of the manufactures in this country, in connexion with the growing extent of those in America, Switzerland, France, Belgium, and Germany, and the facilities afforded to capitalists in these countries, without concluding that anything connected with it was of paramount importance. In point of fact, they were intimately connected with the well-being and best interests of this country. And though he would never admit the threats of the manufacturers, that if they were meddled with, they would transfer their skill and capital elsewhere, he could not fail to allow, that if they were to be perpetually harassed, they had no alternative, if they wished to carry on their business with advantage to themselves, than to transfer them to other countries. On those considerations, he hoped the House would not suffer the subject to be hurried forward as the noble Lord proposed. It was only in due time, and on deep consideration, that it could be at all satisfactorily settled.

Sir *R. Peel.* I do appeal to the right hon. Gentleman's own judgment, as well as to the House, whether the speech he has just delivered is not decisive in favour of immediately settling the question. I am no advocate for the plan of the noble Lord (Ashley). I never took the popular view of the subject. I saw it with other eyes than those who support the ten-hours bill of my noble Friend, and therefore I cannot be suspected of partial advocacy of a settlement; but this I feel, if there be any foundation for what the right hon. Gentleman has just asserted, if his arguments be conclusive with himself, that if there be one subject beyond all others to which the attention of the House should be at once, and without delay, directed, it is this. The reasons for it are two-fold. If it be looked upon as a question involving the rights of humanity, and the happiness of tens of thousands of our fellow-creatures, then I say, that attention ought to be directed to it, to the exclusion of any other. Such a case brooks no delay. But there is another reason which I believe to be better founded, and which, at all events, is equally cogent. What does the right hon. Gentleman say? He asks us to look at the manufactures of this country in connection with those of France, Switzerland, Germany, Belgium, and America. He tells us, that the competition we have to encounter from those countries is a most fearful one. He intimates to us the discontent of our manufacturers at the perpetual intermeddling of the Legislature, and he hints at their threats of transferring their skill and capital elsewhere, unless they are suffered to carry on their business in quiet. Can anything be more conclusive than these facts as to the necessity of at once settling the question in dispute? Can anything be more important than the solution of the question as to whether the manufacturer employs his capital at home or abroad, and gives the benefit of his skill to this or to a foreign country? That is the difficulty which stares the right hon. Gentleman in the face—is it lessened by delay? It should be solved at once, one way or the other, if the right hon. Gentleman's facts are well founded and his conclusions rightly drawn. Why, then, does the right hon. Gentleman interpose delay? For the Government to say, Session after Session, that it would bring forward a bill on the subject—for the Government Session after Session, to abandon the bills they introduce, without at the same time permitting others to be brought in by individuals willing to do so, in their stead—is like applying a perpetual blister to the sides of the country, and keeping up the fever and irritation of a dangerous sore. If the question can be solved by the Government let it be solved at once; but I warn them, that they will find all temporary substitutes for a solution unavailing. Especially will they find a postponement of it from Session to Session of no service, but, on the contrary, of great and manifold injury. If, on the other hand, they feel, that the difficulties which surround the question are insoluble and inseparable from it, then as a Government, let them manfully come forward and acknowledge it. Let them come down to the House boldly, and meet the emergency of the case by stating that to legislate for the remedy of the small defects in the present laws, of which they admit the existence, would be much more dangerous than any advantage which they could propose to derive from it for the country at large. Let them do either one or the other, and the manufacturers knowing then what they mean will act accordingly. If they think the difficulties of the case are to be met by legislation let us have it at once; if not, let us hear no more about it; but let the decision be come to by them without further delay. My noble Friend has told us, that the question has been now three years before the House, and yet the right hon. Gentleman opposite deprecates hasty legislation on it. Can the right hon. Gentleman repeat his objection on that score? If, I say, the difficulty of the case cannot be got over without an exposure of the country to greater danger than at present exists, then the Government should unhesitatingly and at once abandon all legislation on the subject—and not alone that, but they should state their intention of opposing it on the part of all individual Members of this House. No hon. Member would interfere on the matter after such an announcement. But these are comparatively minor considerations. It is because I feel the force of the right hon. Gentleman's observations; it is because I admit their accuracy—it is because I cannot fail to perceive the competition with which this country is threatened — it is because I foresee, that the interests of humanity in the large view of the question are likely to be less consulted by the short-sighted restriction of labour than they are by its perfect freedom—it is because the fact is unquestionable, that though you may exempt the child from fatigue, you also deprive it of prospective employment, by driving the manufacturers to seek elsewhere that protection which they find no longer at home—it is for these reasons, and because I feel the full force of the consideration suggested by the right hon. Member that I implore Parliament to decide the question this night, whether it will legislate or not. If the

Government be unwilling to take the risk of decision on themselves, let them then permit some hon. Member, in his individual capacity, to try the opinion of the House. At all events, I entreat, I implore the House, whatever is done, to let the question be settled at once.

The *Solicitor-General* presumed, that those who debated on the bill on the other side of the House could not have looked into its contents, which were at variance with their arguments. The observations of the right hon. Baronet would lead the House to infer that the bill of his (the Solicitor-General's) right hon. Friend then in question was for the purpose of keeping up " a perpetual blister"—but the fact was, it only went to explain and affirm the provisions of the act of 1833—with the view of making it more distinct and explicit. There was no clause in the present bill which was not already in being—it contained no new enactment. The prosecution of that bill would not affect at all the hours of labour in factories, and, he would put it to the House, whether it should be permitted to take precedence of the bill for the settlement of the Irish Tithe question; or whether that important measure should be put off that the Factory Act might be more clearly explained. If such a subject were to be looked upon as paramount to all others—if it was to be treated on the footing of a case affecting the rights of humanity—if it was to be made the matter of such doubt and dreaded danger—he (the Solicitor-General) did not know what would follow next. It seemed to him altogether so extravagant a proceeding that he could not help thinking more than once that the right hon. Baronet was either not serious in his observations, or not cognizant of the contents of the bill on which he argued. He hoped, however, that the House would show its good sense and information by giving that important bill, Irish Tithes, the precedence of the bill in question, notwithstanding all that had been said on the subject by hon. Gentlemen opposite.

Mr. *Freshfield* should have thought, that the reason alleged by the hon. and learned Gentleman were precisely those why the bill should be proceeded with. He would insist on stating one point. He was prepared to prove that a number of children were working (as stated in the certificate of the partners in a certain mill) between the ages of nine and thirteen, while the same children were, in another certificate, signed by the same partners, and countersigned by the same magistrates as working between the ages of thirteen and eighteen.

Mr. *O'Connell* did not know if the noble Lord was prepared to take up this bill if the Government abandoned it, but before he came to such a determination he would call to the noble Lord's mind evidence that had been given both in the noble Lord's and in his presence. From that evidence it appeared, that in Glasgow the Factories Act was totally neglected; it was observed by nobody, and violated by everybody. They there found it too inconvenient to work with, and had in practice repealed it. In Manchester the law was observed, but it worked there exceedingly ill for the cotton-spinner. The cotton-spinner was obliged to pay his piecers, who were the children he employed; he himself received so much per week, and out of that sum his piecers were paid. Now, the effect of this Act had been such, that the piecers to whom he used to pay 2*s*. 6*d*. per week he was at present obliged to pay 4*s*. 6*d*., and the wages of the cotton-spinners were, therefore, reduced by the amount of the difference between the two sums. The truth was, and it ought at once to be avowed, the object of the persons who agitated this question was to limit the hours of labour of the adults. The question which ought to be before the House was not whether they should pass the present Factory Bill, but one of a widely different character. He should be exceedingly happy if it were possible to limit the labour of adults, for they were overworked; but he believed, that if they made the attempt, the effect, in consequence of the foreign competition, would be, to throw both adults and children out of employment. He believed it impossible to restrict labour; he was sorry for it; he should be glad to become the advocate of the adults in that respect, if he did not think, that such a law would strike a fatal blow at the manufacturing interests. The difficulties in the present case must satisfy all how little men could do, in the way of legislation, when they attempted to legislate against the interests of employer or employed.

Mr. *Fox Maule* objected to the statement of the hon. and learned Gentleman, that the Factories Act was openly violated in Glasgow. In Scotland the inspectors visited the factories at all times, and were even better received there by the manufacturers than they were occasionally in England. Indeed, the superintendents had been allowed by the manufacturers to perform the same duties as the inspectors. During the whole time that Mr. Horner was an inspector in Scotland he instituted only eight prosecutions; the present inspector, who succeeded that gentleman in the same district, had not instituted one. The reason of the small number of prosecutions was this—no sooner was it discovered that a child was improperly employed than, on complaint from the inspector, the required alteration was made. No one could have been more anxious than he had been to press this measure forward, but he had been prevented from doing so by circumstances which he was unable to control.

Mr. *Villiers* observed, with respect to hon. Gentlemen opposite, who declared themselves the friends of humanity, and who said, they were influenced by such a motive, as well as by a desire to serve the industrious classes in the country, that these very Gentlemen had, at an early period of the Session, refused to enter into any consideration of the Corn-laws. They would not even consider those laws, the effect of which was to make food dear, and to injure the working classes of the country.

The House divided on the original question: Ayes 119; Noes 111: Majority 8.

List of the AYES.

Adam, Admiral
Aglionby, Major
Ainsworth, P.
Archbold, R.
Bailey, J.
Baines, E.
Bannerman, A.
Barnard, E. G.
Beamish, F. B.
Bentinck, Lord W.
Bernal, R.
Blake, M. J.
Blake, W. J.
Brabazon, Lord
Bridgman, H.
Brodie, W. B.
Buller, E.
Busfield, W.
Butler, hon. Col.
Callaghan, D.
Campbell, Sir J.
Cavendish, C.
Cavendish, G. H.
Chalmers, P.
Chester, H.
Clay, W.
Clive, E. B.
Collier, J.
Craig, W. G.
Crawley, S.
Currie, R.
Curry, W.
Dalmeny, Lord
Divett, E.
Ebrington, Lord
Elliott, hon. J. E.
Evans, W.
Feilden, W.
Fenton, J.
Ferguson, Sir R.
Ferguson, R.
Fergusson, R. C.
Gordon, R.
Grattan, J.
Grey, Sir C.
Guest, J. J.
Hawes, B.
Hayter, W. G.
Hector, C. J.
Hobhouse, T. B.
Horsman, E.
Howard, F. J.
Howard, P. H.
Howick, Lord
Hume, J.
Humphery, J.
Hutton, R.
Labouchere, H.
Lennox, Lord G.
Lister, E. C.
M'Taggart, J.
Marsland, H.
Martin, T. B.
Morpeth, Lord
Murray, J. A.
Muskett, G. A.
O'Connell, D.
O'Connell, J.
O'Connell, M. J.
O'Conor Don
O'Ferrall, R. M.
Paget, F.
Parrott, J.
Pease, J.
Philips, Sir R.
Philips, M.
Ponsonby, C. F. A.
Ponsonby, hon. J.
Power, J.
Protheroe, E.
Pryme, G.
Rice, rt. hon. T. S.
Rich, H.
Rickford, W.
Roche, W.
Rolfe, Sir R. M.
Rundle, J.
Russell, Lord J.
Salwey, Col.
Seale, Col.
Sheil, R. L.
Stanley, E. J.
Stanley, W. O.
Stansfield, W. R.
Stewart, J.
Stuart, Lord J.
Stuart, V.
Strangways, J.
Strickland, Sir G.
Strutt, E.
Style, Sir C.
Tancred, H. W.
Thomson, C. P.
Thornely, T.
Troubridge, Sir E. T.
Vigors, N. A.
Villiers, C. P.
Walker, R.
Warburton, H.
Westenra, H. R.
White, A.
White, S.
Williams, W. A.
Wilshere, W.
Winnington, T.
Wood, Sir M.
Wood, G. W.
Wrightson, W.
Wyse, T.

TELLERS.
Maule, F.
Parker, J.

List of the NOES.

Acland, Sir T. D.
Aglionby, H. A.
Alsager, Captain
Arbuthnott, H.
Attwood, M.
Bailey, J., jun.
Baillie, Col.
Barneby, J.
Barrington, Viscount
Bethell, R.
Boldero, H. G.
Bradshaw, J.
Broadley, H.
Brocklehurst, J.
Brotherton, J.
Brownrigg, S.
Bruges, W. H. L.
Burr, H.
Calcraft, J. H.
Chute, W. L. W.
Clerk, Sir G.
Codrington, C.
Colquhoun, J. C.
Compton, H. C.
Corry, hon. H.
Cresswell, C.
Dalrymple, Sir A.
Darby, G.
De Horsey, S.
Dunbar, G.
Duncombe, W.
Dungannon, Lord
Egerton, Lord F.
Eliot, Lord
Ellis, J.
Fielden, J.
Fector, J. M.
Filmer, Sir E.
Follett, Sir W.
Fremantle, Sir T.
Gaskell, Jas. Milnes
Gibson, T.
Gore, O. J. R.
Goulburn, H.
Graham, Sir J.
Hardinge, Sir H.
Hawkes, T.
Hayes, Sir E.
Heneage, G. W.
Herries, J. C.
Hindley, C.
Hodgson, R.

Holmes, hon. W.
Hope, hon. C.
Hope, H. T.
Hughes, W.
Ingestrie, Lord
Irving, J.
Jackson, Sergeant
James, Sir W. C.
Jermyn, Earl
Johnson, General
Jones, J.
Kemble, H.
Kirk, P.
Lefroy, T.
Liddle, hon. H.
Litton, E.
Lockhart, A. M.
Lucas, E.
Lygon, hon. Gen.
Mackenzie, T.
Mackenzie, W.
Maclean, D.
Master, T. W. C.
Maunsell, T. P.
Mordaunt, Sir J.
Nicholl, J.
O'Brien, W. S.
Packe, C. W.
Pakington, J. S.
Patten, J. W.
Peel, right hon. Sir R.
Peel, J.
Plumptre, J. P.
Praed, W. M.
Praed, W. T.
Pringle, A.
Richards, R.
Rose, Sir G.
Round, C. G.
Round, J.
Rushbrooke, R.
Sandon, Lord
Sheppard, T.
Shirley, E. J.
Smith, A.
Smyth, Sir G. H.
Stanley, Lord
Sturt, H. C.
Thompson, Alderman
Trevor, hon. G. R.
Vere, Sir C. B.
Verner, Col.
Villiers, Lord
Vivian, J. E.
Walsh, Sir J.
Wilbraham, B.
Williams, W.
Wilmot, Sir J. E.
Wood, T.

TELLERS.

Ashley, Lord
Freshfield, J. W.

METROPOLIS—HACKNEY CARRIAGES.] Sir M. Wood moved, that the Report on the Metropolis Hackney Carriages Bill be brought up.

Mr. *Hawes* opposed the bill, on the ground of the additional and unnecessary expense incurred by the registration proposed by it. He thought the present system of jurisdiction much better than that proposed. The matter was properly one of police.

The House divided:—Ayes 56; Noes 15: Majority 41.

List of the AYES.

Aglionby, Major
Beamish, F. B.
Benett, J.
Blandford, Marquess
Blunt, Sir C.
Bowes, J.
Brotherton, J.
Clerk, Sir G.
Collier, J.
Craig, W. G.
Crompton, S.
Darby, G.
Dennistoun, J.
Evans, W.
Ferguson, Sir R.
Fergusson, R. C.
French, F.
Grimsditch, T.
Hayter, W. G.
Hinde, J. H.
Hindley, C.
Hobhouse, T. B.
Hodges, T. L.
Hodgson, R.
Hope, hon. C.
Hope, G. W.
Howard, P. H.
Hutton, R.
James, W.
Johnstone, H.
Kemble, H.
Lister, E. C.
Lockhart, A. M.
Mackenzie, T.
Mildmay, P. St. J.
Morgan, C. M. R.
Musket, G. A.
Pease, J.
Pechell, Captain
Praed, W. T.
Pringle, A.
Protheroe, E.
Roche, D.
Rolfe, Sir R. M.
Round, C. G.
Salwey, Colonel
Sandon, Lord
Stanley, E. J.
Strutt, E.
Tancred, H. W.
Turner, E.
Vere, Sir C. B.
Vigors, N. A.
Williams, W.
Wilshere, W.
Wood, G. W.

TELLERS.

Wood, Sir M.
Pryme, G.

List of the NOES.

Aglionby, H. A.
Attwood, W.
Attwood, M.
Bruges, W. H. L.
D'Eyncourt, C.
Dowdeswell, W.
Fielden, J.
Hawes, B.
Hector, C.
Jervis, S.
Marsland, H.
Rundle, J.
Thornley, T.
Turner, W.
Wood, T.

TELLERS.

Hume, J.
Warburton, H.

Report received.

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HOUSE OF COMMONS,

Monday, June 23, 1838.

MINUTES.] Bill. Read a second time:—Vagrant Act Amendment.—Read a third time:—Kingstown and Dublin Harbour.

Petitions presented. By Mr. MARSLAND, from Stockport, for a reduction of Postage; and from the Dissenters of the same place, against any further Endowment to the Church of Scotland.—By Sir G. CLERK, from Edinburgh, against the Royal Burghs (Scotland) Bill.

REGULATIONS OF PRISONS.] Lord John Russell moved the order of the day for going into Committee on the Prisons Bill.

Colonel *Davies* wished to direct the attention of the House to the expediency of extending the system of separate confinement to prisoners both before and after trial. According to the present plan to be settled by the Bill the worst offender committing a small crime would be sent to the same gaol as the juvenile offender, which would have all the ill effects of the present system.

Lord *J. Russell* thought, that it would be better to effect gradually the various improvements which might be made in the system to be introduced after the Bill had passed. If an absolute rule as to separate confinement were at once laid down, it might excite an outcry against the bill, and he would rather postpone the carrying out of this plan than run the risk of obstructing the beneficial operation of the whole system by laying down too extensive a design at the commencement.

Mr. *Gibson* said, it had been found in Glasgow and in the United States to be beneficial that prisoners should have labour offered to them in their cells during confinement, and the stimulus of hoping to earn something from that labour. He thought if Government turned their attention to some provision for prisoners after liberation it would go a great way towards effecting the diminution of crime.

Mr. *Briscoe* thought it would become the Government in a question of such immense importance, and involving such a large outlay, to erect a prison on the separate system at the public expense, within a reasonable distance of the metropolis, so that it might be frequently visited. It would be better to do so, before the whole country was required to enter into a large outlay for the reconstructing of prisons.

Mr. *Hume* entertained a strong opinion on the question of separate and solitary confinement, and he thought the result, if it could be fairly brought before the House, would prove the utter inefficiency of attempting to reform individuals by imprisonment. If there should be societies whose care was directed to the providing of employment for those who had been confined this would be offering a premium to crime, and there would not be the same opportunity offered to individuals who had not incurred the censure of the law, but were equally anxious for employment. Out of the prisoners tried in London every year there were more than one-third who had been in confinement during the preceding year, and yet Government were now entering on a most expensive process, and calling on the people in every part of the country to enlarge the prisons. His opinion was that nothing but transportation could afford any chance of these individuals obtaining a livelihood by their industry. He thought the measure was of much more importance to the country as regarded its expenditure than was generally supposed. He was aware that a difference of opinion existed relative to transportation, but it appeared to him that that question should be set at rest before the country embarked in a large expenditure. His opinion was, that transportation was the best plan for reclaiming criminals, inasmuch as it removed them from the place where they had forfeited their station in society, and would afford them an opportunity in a place where they were not known of reclaiming their characters if they were honestly disposed. If they were not honestly disposed, all the solitary confinement in the world would be useless. It was well known that three-fourths of those who came out of prison, again resorted to thieving and stealing for a livelihood. He thought that the practice that existed in Scotland of banishment for minor offences, and allowing the man to go where he pleased—would be advantageous. On these grounds he objected entirely to the present proposition.

The House resolved itself into a Committee.

On the sixth clause,

Mr. *Hume* rose to suggest to the noble Lord that this clause should be struck out altogether, unless the noble Lord was prepared to say, that boroughs and counties were unable to raise money at a fair rate of interest. If they were unable to do that, he would then say let Exchequer bills be issued. but he thought this clause ought altogether to be struck out of the bill.

Lord *J. Russell* said, that if the clause were struck out the hon. Member for Kilkenny would not gain the object he wished.

Mr. *Hume* said, the issue of Exchequer-bills had first been resorted to as a measure of necessity in a time of commercial difficulty, but it had of late become an ordinary matter of business. The transactions of the Government ought to be kept separate from those of private individuals.

Mr. *Poulett Thomson* said, the hon. Member for Kilkenny wished the Government not to interfere with private speculations; but this was not a private speculation. It was a public undertaking, which the public ought to assist, and in which private individuals might not be willing to embark their money.

Captain *Wood* thought this clause gave the Government the power of burthening the general revenue of the country to a great extent for enforcing this extensive system on the country.

Mr. *Hawes* said, the Government had not the power of levying funds for the carrying out of this system till called upon to do so by the magistrates. To his hon. Friends who objected to the bill that it would lead to expense, he would only say, that when the design of the bill was so important as the diminution of crime, and the prevention of moral contamination in the gaols, pecuniary considerations ought not to be urged. The only way to attain these great objects was boldly to take measures for that end, without the fear of encountering a very large expenditure—and if, at every step, they were to be met by objections as to expense, these objects would never be effected.

Mr. *Hume* said, it appeared, from a return which had been made to a motion of his, that 700,000*l.* additional expense had been incurred by the increased interest on Exchequer-bills, while 300,000*l.* had been raised in the county of Middlesex with the greatest ease—certainly at an interest of 4 or 4½ per cent. Exchequer-bills at this moment bore a higher rate of interest than ever was borne in proportion to the amount of money in the market, and they were at 67*s.* and 70*s* premium in consequence of that high rate of interest. Was it not too much that they should be obliged to pay on twenty millions of Exchequer-bills that large increased interest, merely because from mismanagement there was an excess of two or three millions? The hon. Member for Lambeth said this ought not to be a matter of pounds, shillings and pence—that where the expense was intended for the reformation of offenders the House ought not to be niggardly. But the hon. Member was wrong in principle. If money could not be raised in any other way, he was willing to advance it, but whilst money was in abundance, it was wrong, on principle, to raise it in this manner, and he should take the sense of the Committee on the subject.

General *Johnson* thought the Government would be better employed in relieving the public from taxes than imposing on them an additional expense for the building of prisons.

The House divided on the clause. Ayes 96; Noes 18:—Majority 78.

On clause 10, which regulated the appointment of Chaplains,

Mr. *Langdale* begged to call the attention of the noble Lord to the situation in which Roman Catholics imprisoned were placed in respect of religious instruction. He believed, that a very large proportion, as much as one-third or one-fourth, of the prisoners in this metropolis were members of this profession. He thought, therefore, that every means ought to be afforded them of obtaining religious consolation from spiritual advisers of the same persuasion.

Lord *J. Russell* said, that the general rule was, that when prisoners asked to see a particular minister, the justices made an order that such party should be allowed admission to the prisoner. It would be attended with much inconvenience, if benevolent persons were allowed at any time to lecture all the prisoners, and therefore the rule was laid down, that when a prisoner desired the attendance of a particular clergyman, his visits should be allowed.

Mr. *Hawes* observed, that Roman Catholic clergymen ought to have the right of visiting such of their flock as might chance to be in prison at periodical times.

Mr. *Baines* thought the suggestion of the hon. Member entitled him to a good deal of consideration. He had no claim to put in on behalf of the dissenters, who were not often to be found within the precincts of the prisons.

Clause agreed to.

Remaining clauses were agreed to; and the House having resumed, the report was brought up.

HOUSE OF LORDS,

Monday, June 25, 1838.

MINUTES.] Bill. Read a second time:—Freemen's Admission.

Petitions presented. By the Bishop of NORWICH, from a parish in Norwich, for a general system of Education.—By the Earl of HAREWOOD, from Leeds, against the Sale of Beer Act.

NEW POOR-LAW.] The Bishop of *Exeter* presented a petition from between three and four thousand inhabitants of Dudley, agreed to at a public meeting called by the mayor. The petitioners, having complained of the separation of husband and wife, and other regulations made by the commissioners in workhouses, declared that they were opposed to the dictates of humanity, and abhorrent to their best feelings. He was prepared most sincerely to support the complaint of this petition. The separation of husband and wife was a proceeding which in itself was contrary to the common law of the land. He need not remind their Lordships that under the old law power was given to justices to remove paupers to their own parishes, in order that they might receive proper relief; but a case having occurred in which a wife was separated from her husband, by an order of removal, the case was brought into the Court of King's Bench, and the order of removal by which the separation was sanctioned and authorised was immediately declared to be void; and in another case the broad principle was laid down that a woman could not be removed from the place in which her husband was, for the purpose of being relieved. It was unwise, he would admit, to discuss the law; but he would assure their Lordships that he was determined that the question of separation should be put in a course for legal consideration and final decision. He stated this plainly and fully, and he wished that it might reach the commissioners; and he should take an opportunity to remove some order by *certiorari* to the Court of Queen's Bench or to take some other course which might have the effect of putting the matter in a train for final adjustment.

Lord *Wharncliffe* said, that the case of separating man and wife in workhouses was very different from those in which they were removed from distant parishes. He rejoiced that the right rev. Prelate was about to take the course he had pointed out; and he wished that noble Lords who presented petitions would follow his example, and not satisfy themselves merely with making the complaint, but that they would take measures themselves to set the matter at rest.

The Bishop of *Exeter* said, that he would merely point out to the House what the Legislature had thought it necessary to do in reference to the subjects alluded to in the petitions which he had presented. In the year 1834, when that bill which was the greatest boast of Britons—the Slave Emancipation Bill—was passed, the Legislature thought it right and necessary to grant to those unhappy persons who were kept in a state of mitigated slavery that very thing which he now demanded on behalf of the poor of this country, that husband and wife should not be separated. Nor was their care of them confined to this. In the 21st section of the same act the negro apprentices were protected from the other grievance to which he had alluded, for it was provided that no negro apprentice should be prevented attending that Church which he thought the most desirable.

Lord *Hatherton* had a few observations only to offer to their Lordships in reference to the dietary system. The Dudley union had before been specifically alluded to, and his observations, although they would not have any reference to this particular union, would be important, because they would bear upon the subject with regard to the Wolverhampton union, which was in the same neighbourhood. He had received a letter from a person of authority in reference to this subject, and that person assured him that the average cost of each pauper amounted to about 18*s*. 6*d*. weekly—a sum far greater than that enjoyed by many labouring men. Being himself, besides, interested in the carrying out the poor-law in the county of Stafford, he had been induced to make inquiries into the subject, and the result of them was, that there existed a general feeling of confidence among the people of that neighbourhood, and in that he comprised Dudley, which, although not absolutely in Staffordshire, was close upon its borders, both in the law and its administration.

Petition laid on the table.

THE CORONATION - AMBASSADORS.] The Marquess of *Londonderry* complained that in the programme of the procession of the coronation which had been printed the extraordinary ambassadors were fixed to take part, which was a most unusual course to be pursued; and he also complained that, if they were to take part in the procession, the attendants on our most gracious Queen had higher places assigned to them than the ambassadors. He would therefore ask, whether it was on the solicitation of the Queen's government that the ambassadors were to take part in the procession; and next, whether their excellencies had acquiesced in the request? Perhaps they would not, out of courtesy, decline, and yet they would undergo great responsibility, as they had not time to communicate to their own country the nature of the position in which the Queen's Government had placed them.

Viscount *Melbourne* replied, that it certainly was the intimation of her Majesty's Government to the representatives of foreign powers that their presence on that occasion would be agreeable.

The Marquess of *Londonderry*: And have they acceded to the request?

Viscount *Melbourne:* Certainly.

The Earl of *Ripon:* The procession should have been entirely national.

Earl *Fitzwilliam* said, that the noble Marquess seemed to wish to be thought the standing counsel of the foreign ambassadors, but he had no clients, for it did not appear that any regret had been expressed at the proposal.

The Marquess of *Londonderry* said, that he had not spoken on the part of the ambassadors, but as he had seen the programme in *The Gazette,* and as it seemed to him to be an extraordinary arrangement, he felt bound to ask a question, and to obtain an answer. The procession of the foreign ambassadors was as absurd as if the King of the French were to go in procession with Queen Victoria to her chambers, or to the House of Legislature.

Lord *Brougham* agreed with the noble Marquess, that this arrangement was perfectly unprecedented, and he believed, that all who saw the programme shared in the opinion; but he must also say, that, because it was unprecedented, it was not, therefore, exceedingly improper, and he looked upon it as a testimony of an unprecedented degree of amity with foreign relations that they were not content with sending ambassadors, but that members of the royal family came to the coronation.

Appointment of Sheriffs (Ireland.)] Lord *Lyndhurst* rose to call the attention of their Lordships to a subject of great and general importance, because it was deeply and intimately connected with the administration of justice, and it was on that special ground that he felt it his duty to bring the matter under the consideration of the House. The election and return of members to serve on the grand juries—of men who were to decide the most important questions of right between man and man, and, what was of far more consequence, to decide between the Crown and the people—the return of members to serve in Parliament, were all deeply and closely connected with the office of sheriff, and therefore it was of the utmost importance that those officers should be placed in a situation of complete independence. And, accordingly, acting on this principle, the Legislature of this country from time to time had passed several bills for securing the independence and regulating the election and appointment of those important officers. He was desirous, in bringing this question before their Lordships, to call attention to the great practical alterations which had been introduced in reference to the appointment of sheriffs during the three years the noble Lord opposite had been at the head of the Government in Ireland; and as their Lordships were in a peculiar manner the guardians of the laws and of the constitution, he was sure, when he called their attention to the facts he had collected, their Lordships would allow, that the subject was one requiring the most minute investigation. In submitting this question to their Lordships' consideration, he should endeavour to treat it with all manner of clearness and plainness. He should avoid as much as possible reference to collateral branches of the question, and direct attention only to the material points; because he was satisfied, that if he could communicate to their Lordships the feelings and opinions with which he himself was impressed, it would be impossible to refuse the committee of inquiry for which he intended to move. And in the outset of the observations he intended to offer for the consideration of their Lordships, he begged to state plainly and distinctly that the Crown never had had the appointment of sheriffs. Neither by the common law nor by the statute law was the power of appointing sheriffs vested in the Crown. That was not his own opinion alone, for the law on this subject was explained more than 100 years ago by Atkyns, who stated in terms precisely similar to those he had used, that the appointment of sheriffs was not then and never had been vested in the Crown either by the common law or by the statute law of the land. By the ancient law of England the appointment of those officers was vested in the freeholders, who were to elect the sheriffs in the county courts. That was the provision of the ancient law; but, in course of time, inconveniences arose in the ancient practice and, for the purpose of obviating those inconveniences, the Legislature had, at different periods, passed two acts on the subject. The Crown had no power in this matter, and it was universally allowed, that sheriffs ought to be elected by the freeholders, in the same way as coroners were appointed. What did the statute law say? By an act passed in the 9th year of Edward 2nd. it was enacted, that the sheriffs should be chosen by the Treasurer, Chancellor, and Judges. That was the mode of appointment of sheriffs pointed out by the act of Parliament to which he had alluded, and it was considered an act of the greatest importance. It was called by Lord Coke the Statute of Lincoln *de vice-comitibus*, and was commonly known by the name of "the Statute of Sheriffs." It recites the grievous complaints of the people, and that the King intended to eschew the evil oppressions and disinheritances occasioned theretofore by the sheriffs, and it ordains and establishes that "the sheriffs from henceforth shall be assigned (*soient mis*) by the Chancellor, Treasurer, Barons of the Exchequer, and by the Justices; and in the absence of the Chancellor, by the Treasurer, Barons, and Justices; and that none shall be sheriff except he have sufficient land within the same shire where he shall be sheriff to answer the king and his people." At the end of the statute is a letter in Latin from the King to all the sheriffs in England commanding them to make the statute known in the full county court, and to cause it to be firmly and inviolably observed: "in omnibus articulis suis quantum ad te pertinet firmiter et inviolabiliter facies observari." There is also a memorandum in law French subjoined—that the statute was sealed with the great seal, and commandment given to the Treasurer, Barons of the Exchequer, and the Justices of both benches, to observe it steadfastly in all its particulars. That act continued in force till the act of the 14th Edward 3rd., when another act was passed, by which it was provided that "No sheriff shall tarry over one year (*outre un an*), and then another convenient shall be ordained in his place, that hath land sufficient in his bailiwick, by the Chancellor, Treasurer, and Chief Baron of the Exchequer, taking to them the Chief Justices of the one bench and of the other, if they be present; and that shall be done yearly on the morrow of All Souls, at the Exchequer." That was the law laid down at that period, and it had remained in force from that period up to the present time. On these two acts the law at present rested, and on that point there was no dispute. These two acts had been confirmed at different times. In the 34th year of the reign of Henry 8th. a law was passed for regulating the appointment of sheriffs in Wales. In that act a particular mode of election was pointed out, and it was enacted, that the names of three persons should be returned to the Crown in order that the King might select one from the number, as was the practice in England. If there then was any doubt as to the want of power in the Crown to appoint sheriffs by its own authority, that doubt must have been completely removed by the provisions of the act of Henry 8th. in regard to Wales. And the statutes he had mentioned were as much in force at that moment as when they were first passed. When such was the law, therefore, and when there was no dispute upon that subject—when there was no difference of opinion as to the meaning of those statutes, he begged to ask what authority could justify any deviation from the law, plain and distinct as it had been laid down? Was it necessary to refer to decisions on this subject? If it was necessary, he could refer their Lordships to an instance of a decision the most important on this subject in the reign of Henry 6th., on the construction of the statutes to which he had alluded, and which was to be found in Coke's second institute, where the decision was mentioned in terms of the strongest approbation. The King had of his own authority appointed a sheriff for the county of Lincoln. The sheriff refused to serve, and the Lord Chancellor referred the matter to the two eminent chief justices of that period, requiring their opinion; and, on a particular day named, Fortesque delivered his own judgment, which was unanimously concurred in by the whole twelve judges of England. What did they say in their decision on this case? They stated that the King, in appointing a sheriff for Lincoln, was in error when he made that appointment on his own authority That he might not misquote Coke and the judges he would refer to the precise terms in which the decision was given and described. It was as follows;—

"They, to the abovesaid demand, sayde, that them seemed, and so it seemed to the remnant of the judges, that the King did an error, when that he made another person sherriff of Lincolnshire than was chosen and presented unto his highness after the effect of the statute in such behalf made—and though that he that so was made sherriff would not take it upon him, ought not to be so punished, and to make also a great fine for his disobedience, as that if he had been one of the three persons that were chosen to be sheriffs, after the tenor of the statute; and furthermore them seemed, that the King should have recourse to the three persons that were chosen after the tenor of the statute, and make one of them sherriff by letters patent, bearing date either at the day of election of them, or else at Michaelmas and though that sithence the said election any of them have got him an exemption that he should not be made sherrif, yet them seemeth that he should be charged to take the said office upon him—and furthermore them seemeth, that if none of the said three persons chosen be made, that then some other thrifty man, dwelling in a foreign shire, be entreted to occupie the said office for this year—and the next year that in eschewing of such inconveniences, that the order of the statute in that behalf made, be observed and kept."

And Lord Coke, in his commentary, said,—"Which aforesaid unanimous opinion being the advised resolution of two such famous Chief Justices, and of all the judges of England, and finding it in the council-book, I thought fit to be published in such words as it is there set down, as a sure and just exposition of the statute concerning the making of sheriffs." Not that any decisions were necessary, but if they were at all required here was a judgment of great weight, confirmed by the opinion of the great man who had reported the case, that the King had acted erroneously in departing from the list. He knew, that it was said by some persons that the question raised in this case was whether the person appointed was bound to serve? But if his appointment were legal, the sheriff was bound to serve the office, and if he were not bound to serve the office his appointment was illegal; so that the direct issue of the present case was obvious in this report. But there was another case, or rather a memorandum of a case, in Dyer's Reports, in the time of Elizabeth; and those who took upon them to assert, that the statutes were not binding advanced on their behalf this case or memorandum. In the 5th Elizabeth, the plague having broken out in London, Michaelmas term was not holden, and an adjournment took place to Hilary term. The act of 14th Edward 3rd. assigned the meeting for the appointment of sheriffs to take place on the morrow of All Souls, and as the term was adjourned, it was impossible that the act could be complied with, and no names were returned to the Queen. But what did they do? They selected the sheriffs from the lists returned for the preceding year; and so far, therefore, was this authority from being adverse to his (Lord Lyndhurst's) argument, that it went directly to support it. To be sure, at the foot there was a dictum, that it was holden that the King of his prerogative might appoint the sheriff *aliquo statuto in contrariâ non obstante.*

"The Memorandum was as follows—5th and 6th of Queen Elizabeth.—Michaelmas Term was wholly adjourned until the 8th of St. Hilary, on account of a great plague and infection of the air; also the sheriffs were nominated and appointed, without any meeting of the judges (on the morrow of All Souls at the Exchequer), according to the common usage (*selonque le common usage*), but for the most part (and there may have been good reasons, as death, absence, or the occupation of some other office, for the exceptions) none were named except one of the two who remained on the list the last year. It was indeed added, although it was holden (by whom it does not appear) that the Queen by her prerogative, may make a sheriff without such election, *non obstante aliquo statuto in contrariâ.*"

Holden by whom?—not by the judges, for no case was argued before them—no decision was given; but holden possibly by some members of the privy council, on the principle of the dispensing power then held to be part of the privileges of the Crown; but the *non obstante* power had since been declared illegal, and it had been abolished by the Bill of Rights. The privilege of the Crown, therefore, the basis on which the privilege was built, being removed, the whole fabric fell to the ground. In addition to what had been stated, he had the authority of chief baron Atkins himself, as stated in his Law Tracts, published in the time of King William. He said "It is most evidently made out, that the King neither hath, nor ever had, any just right or power to elect sheriffs. Only his patent or commission to the sheriff, hath he used to signify to the sheriff himself that is so chosen—this is all the use of the patent; but it is the proper election of those great officers (Lord Chancellor, Treasurer, Judges, &c.), that truly vests them in their office." He thought, that he had now made out that in England the law was clear, distinct, and precise, and that the Crown had not the power to deviate from this. He had stated the language of the statutes; that was distinct; he thought that the authority of the judges was not less distinct; and he had shown the authority of Dyer's case, as an argument to the contrary, had no substantial foundation. This, therefore, was the law in England But what was the law in Ireland? The law with respect to Ireland was precisely the same law as affected England. The act called Poyning's Act, passed in the 10th of Henry 8th, made the state of the law in Ireland precisely the same as it was in England. The noble Lord had no doubt read the reports of the commissioners, who had reported, that the sheriffs in England were elected under the acts of 9th Edward 2nd and 14th Edward 3rd, and the law was precisely the same in Ireland. There was no doubt upon it. But it had been stated by an authority which was entitled to great weight—it had been said by the noble Marquess the Lord President of the Council, who was well versed in the law and ancient usages of this country—it had been stated on the occasion of his having presented a petition upon this subject—that an act of Parliament had altered the law in Ireland, and that the right of appointment was vested in the Crown; but when he (Lord Lyndhurst) looked at the act of Parliament referred to, he found, that this act of Parliament had nothing to do with the subject, and he might, therefore, be pardoned if he disposed of the authority of the noble Marquess, and preferred placing reliance on the authorities to which he had before referred. On that occasion the noble Marquess stated:—

> " Since I came into the House I have referred to the Irish Act of Parliament on the subject (1 Henry 7th), by which all the then existing regulations and laws with respect to the appointment of sheriffs, were done away with, for the express purpose of vesting the appointment in the Crown, and from that time it has accordingly remained vested in the Crown, no act of interference of Parliament having deprived the Crown of the authority which has been so reposed in it."

That statement, however, did not appear to be quite correct, and what was true of literature seemed equally true of law—

" Drink deep, or taste not the Pierian spring."

For the act of Parliament referred to, related to the Irish treasurer, placing him on the same footing as the treasurer in England; and how the appointment of treasurer could be connected with the appointment of sheriff, he was at a loss to conceive. What made the case still more extraordinary was, that the statutes of Edward 2nd and Edward 3rd, at the time the noble Marquess was speaking of were not law, because the act to which he referred was passed previous to Poyning's Act. But this was not all. There was another singular slip of the noble Marquess. While Poyning's Act, which made the statutes of Edward 2nd and Edward 3rd the law of Ireland, continued to be the law of Ireland to this day, the act to which the noble Marquess referred had been positively and expressly repealed by the 35th of George 3rd, and it was now totally waste paper and a nullity. He thought, he had stated enough to show, that the noble Marquess's authority ought not to outweigh the authority of the commissioners, who, in their fifteenth report, stated Poyning's act to be the law in Ireland at this day; and that he was therefore warranted in saying, that the law with respect to the appointment of sheriffs in Ireland was precisely the same as the law in this country. Now, as to the facts. It was not a question whether an act of Parliament which was ambiguous in its terms could be interpreted by contemporaneous usage; because that point was sufficiently established. Neither was it a question whether an act which was distinct and precise in its terms could be affected by subsequent usage. Most certainly it could not. But in this case the usage corresponded with the act itself. He would undertake to show to their Lordships that from the passing of Poyning's act, down to the present time, the usage had been in perfect correspondence with the interpretation which he now put on that act. As far back as the reign of Henry 5th he found in the Exchequer roll a charge of *5l.* for a dinner provided for the judges assembled at Westminster for the election of sheriffs, according to custom. The practice in the time of Henry 6th was proved by the very case to which he had already referred. The practice in the reign of Henry 8th was shown by Poyning's act itself; and the practice in the reign of Mary was established by Dyer's case. There were two cases reported in Croke setting forth what the practice was in the time of Charles 1st; and there was a singular piece of evidence arising out of the Strafford act in reference to this question. About that period it was material with the government of the day to disarm opposition, and it was suggested, that the best mode would be to prevent the leaders of the opposition from being members of the lower house of Parliament, and accordingly what took place? Why, seven of the most eminent members of the opposition were appointed sheriffs by prerogative, and among others Sir Thomas Wentworth, afterwards the Earl of Strafford. A curious letter was to be found among the letters of that celebrated man. He would read it to the House:—

Sir Arthur Ingram to Sir Thos. Wentworth, Bart.

" Noble sir—God give you joy, you are now the great officer of Yorkshire, but you had the endeavours of your poor friend to have prevented it—it was set and resolved what should be done—the judges proceeded in their old course, and so went it to the King; but when the names came to the King, the King declared that he himself had the names of seven that he would have sheriffs, and so named them himself. For your being chosen, my poor opinion is, that there did not anything befal you that is, and will be, more honour to you in public, who speak most strangely of it.

" Your faithful friend, " Arthur Ingram.
November, 1625."

Here was a distinct statement of what the practice was at that time. The judge's lists were entirely passed over; every thing was seized upon by the Crown, and the prerogative was illegally exerted, and for an illegal object, namely, for the purpose of preventing, among others, that able man, Sir Thomas Wentworth, from being a member of the House of Commons. He would now proceed one step further, and come down to the reign of George the second. He had a statement of what the practice was at that time. It was a Legislative statement. The judges were to meet on the morrow of All Souls in full term, for the purpose of naming the sheriffs. It was considered convenient to shorten the term; the consequence of which was, that the morrow of All Souls would not fall within full term. It therefore became necessary to make an alteration in that respect. The statute of George 2nd. recited former statutes; it recited the usage and the obligation of it, and then it enacted that the judges should meet on the morrow of St. Martin, for the purpose of appointing the sheriffs. Their Lordships would find, that about the year 1760 or 1763 Judge Blackstone stated the practice of that time to be in conformity with the present usage. Mr. Christian, thirty years afterwards, stated the practice to be still the same. Such, then, had been the usage, during a long series of years, corresponding with the law of England and with the exposition of that statute to which he had already referred. But now, perhaps, he should be asked what was the practice in Ireland, and what had been the practice in that country? Did it correspond with the practice in England? He would assert broadly and distinctly that it did. The commissioners in their fifteenth report stated, that the election of the sheriffs in Ireland was made under the statutes of Edward 2nd and Edward 3rd. That was the first authority to which he would refer. In the year 1721, a book was published upon " the office of sheriff," and upon the practice with respect to that office. It described what the present and ancient usage was; and stated, that the judges, precisely as they did in England, prepared a list of names while on their circuits; that they met together with the Chancellor in Michaelmas term, and considered the subject; and upon doing so, and after discussing the propriety of the names, they selected three, which were returned by the Chancellor to the Lord-lieutenant in order that one might be selected out of them as sheriff. In 1776 there was another work, published by a person of the name of Howard, upon the practice of the Court of Exchequer, in which was stated the practice of appointing sheriffs in Ireland precisely in the same terms as occurred in the work of 1721. So that in the first place he had the report of the commissioners, in the next place the work of 1721, and then again another work of 1776, showing what the practice was in Ireland upon this subject. But he had something more than this. He had something to show what the practice was in the reign of James 2nd. James made an attempt to new model the office of sheriff in Ireland. Henry Hyde, the Earl of Clarendon, was at that time Chancellor of Ireland [*No; Lord-lieutenant*!"] Exactly so; Lord-lieutenant of Ireland. The King wrote to him, desiring him to postpone the appointment of the sheriffs. That was in the year 1786 or 1787. Lord Clarendon was weak enough to assent to that proposal. He did postpone the appointment of the sheriffs. He would refer their Lordships to the answer of that nobleman to the King's letter. It was published about ten years ago among the papers of Henry Hyde, Earl of Clarendon. He began by declaring his perfect readiness to conform to the wishes of the King, but he proceeded to state: " It is a very strange thing that one of the justices and Lord Tyrconnel (who was at that time commander of the troops in Ireland) called upon me a day or two ago with a list of persons to be appointed sheriffs, and desiring that those should be appointed." Lord Clarendon then observed to the King —"I confess, Sir, I thought it very strange (to say no worse of it) for any two men to take upon them to give a list of men for sheriffs over the whole kingdom; to anticipate the representation of the judges, who are the proper persons to offer men fit for those employments, and without so much as leaving room for the chief governor to have an opinion in the matter." So that it appeared that not only did the practice in Ireland correspond with the law and the practice in England in the year 1721, but that so far back as the reign of James 2nd. the same correspondence existed in the former country. But the noble Earl (the Earl of Mulgrave), who ought to be well acquainted with this subject, particularly as he had dealt so largely with it, had contradicted all those authorities; he had denied them, and had said, that there was no such rule in Ireland; and that the judges never made out lists for the appointment of sheriffs. The noble Earl asserted that with so much confidence that all who were then present for the moment acquiesced in it.

The Earl of *Mulgrave* denied, that he had asserted that there was never a similar rule in Ireland to that which prevailed in England.

Lord *Lyndhurst* said, he had before him an extract from the speech of the noble Earl as reported in *The Mirror of Parliament*. The words of the noble Earl were: "In Ireland there is no general meeting of the judges or of persons representing the executive for the purpose."

The Earl of *Mulgrave:* "With persons," not "or."

Lord *Lyndhurst* continued to read: "The judge going the assize, makes a return of three names to the government, and to the list so returned the selection is usually confined."

The Earl of *Mulgrave:* I never used such words.

Lord *Lyndhurst* said, that it was so reported in *The Mirror of Parliament*, and he had over and over again heard, that the noble Earl had so explained it. He was glad, however, that the noble earl had denied making such a statement. Unfortunately, however, it did so happen that in the Appendix of the 15th Report of the Commissioners of Inquiry into the Courts of Justice in Ireland, in 1826, the Chief Justice of the King's Bench in Ireland stated what the practice really was, and he thought he might put the opinion of the Chief Justice in opposition to the opinion of the noble earl. The Chief Justice stated the practice to be this:—

> "Upon the summer circuit the senior judge in each county procures the best information he can collect as to the gentlemen in that county qualified for the office of high sheriff who have not already filled it, from amongst whom he selects the three persons whom he considers most fit for the situation. In the following Michaelmas term, upon a day fixed for the purpose, generally the second Thursday in the term, the Chancellor meets the twelve judges in the Chief Justice's chamber, and each judge who had been senior on the circuit, according to seniority, hands a list of three names for each county to the Chancellor, who reads out each list as he receives it; and after he has read each list, the qualifications of the several persons therein named are considered by the Chancellor and the twelve judges; and if any one present knows any thing of the character or qualifications of those persons, or any of them, he communicates it, and according to the result of the discussion the list stands as given in, or the names are transposed, or some of them struck out; in which latter event the judge who had returned the list substitutes others, which are subjected to a similar discussion; and the lists, when finally agreed upon, are taken away by the Chancellor to be laid before the Lord-lieutenant, and are immediately afterwards published in *The Dublin Gazette*, after which the several high sheriffs are appointed by the Lord-lieutenant."

The practice, then, in Ireland corresponded with the practice in England. The statutes applied to Ireland, and the decisions of the courts applied to Ireland with as much precision and certainty as to England. But he admitted, that there was an interval when in Ireland the law was violated, and when the practice was broken in upon. It was the practice of 1776, but it was not, he admitted, the practice in 1811, as appeared by another work, published by a Mr. Gabbett. It appeared that at a time of confusion and rebellion this practice was broken in upon; and the judges' lists were sent to the Lord-lieutenant without any previous meeting of the judges and the Chancellor for consideration; and it further appeared, that in one instance, no list having been returned, the Lord-lieutenant made a list himself. This practice continued until a remarkable period, until Sir Robert Peel became Secretary for Ireland, when his attention was called to the subject. He investigated the practice, and took the opinion of the law officers of the Crown upon the subject, and he, in particular, consulted Mr. Saurin. The opinion given by that high authority was, that the practice was an abuse, was illegal, and required to be remedied. What did Sir Robert Peel do? He did what he was always disposed to do—he restored the law and usage as it originally existed, and as it afterwards continued to exist until the day on which the noble Earl first held the office of Lord-lieutenant of Ireland. He would now ask their Lordships whether he had not established the practice with respect to Ireland, and made the case of Ireland correspond with that of England? He should conclude his observations on this branch of the subject by referring to the words of Mr. Justice Blackstone in further confirmation of his case. After referring to the case, as quoted in the reign of Henry 6th, that profound lawyer and high constitutional authority went on to make some remarks on the memorandums of that case:—

> "Notwithstanding," he says, "this unanimous resolution of all the judges of England" (referring to the decision reported in Lord Coke's Second Institutes, mentioned above—"Thus entered in the council-book, and the statute 34 and 35 Henry 8th, c. 26, s. 61, which it expressly recognizes to be the law of the land, some of our writers have affirmed that the King, by his prerogative, may name whom he pleases to be sheriff, whether chosen by the judges or no. This is grounded on a very particular case in the fifth year of Queen Elizabeth, when, by reason of the plague, there was no Michaelmas term kept at Westminster, so that the judges could not meet *in crastino animarum* to nominate the sheriffs; whereupon the Queen named them herself, without such previous assembly, appointing for the most part one of the two remaining in the last year's list; and this case, thus circumstanced, is the only authority in our books for the making these extraordinary sheriffs."

Then Mr. Justice Blackstone went on to say respecting the appointment of sheriffs by the exercise of the prerogative:—"With reference to that prerogative, which goes to put the prerogative above the laws, it was effectually demolished by the Bill of Rights at the Revolution, and abdicated Westminster-hall when King James 2nd abdicated the kingdom." That was the opinion of Mr. Justice Blackstone in respect to sheriffs so appointed. Having shown this, he had stated what he conceived to be the law of the land and the practice of the constitution on the subject. Could it be denied, that the subject was one of the greatest importance? No one who looked to the nature of the duties of the office of high sheriff, who considered the influence the individual holding that office had upon the working of the constitution, the execution of the laws, the administration of justice, and with respect to the returning of Members of Parliament, could deem it otherwise than of the most vital importance. Accordingly, from the earliest periods of the constitutional history of England, it would be found, that the power of the prerogative exercised in the creation of sheriffs had been uniformly objected to, while the constitution was in a healthy state. One of the articles of impeachment against Tressillian and Robert de Vere, lords justices, was altogether founded on the illegality of their appointment of sheriffs. Again, in the time of Charles 2d, when a deputation of the Citizens of Dublin waited on Lord Keeper North to complain of the appointment of sheriffs by the royal prerogative, that noble and learned individual said to them, "You shall have your rights according to your charter, but if the King disapproves of your selection, you shall then have a commission to inquire into the matter." A noble Lord, a Member of the other House, whose constitutional principles were developed in his writings, and which were singularly at variance with his conduct, when speaking of the illegal power assumed by Charles the 2d in the appointment of the sheriffs, considered, "that by that act the throne completed its victory over the people." In the reign of James the 2d, attempts were made to control the appointment of sheriffs in Ireland, and the King so far succeeded, that he obtained the nomination of Catholic sheriffs in every county in Ireland, with the exception of Donegal, where a Protestant sheriff was appointed, and that arose merely from a mistake. They had it upon record what were the intrigues that were practised at that time in Ireland to make all the high sheriffs of the Roman Catholic party. When the lists were made out, they were handed to a person in the confidence of the Crown; and on being noted by him with notes respecting the claim of the individual on the score of religion and politics, they were then transmitted to the King. They underwent another examination, and were noted again by the King and his advisers, and then they were returned to the Lord-lieutenant of Ireland. From the lists so prepared, the sheriffs were appointed. There were some curious notes on them still in existence; and he (Lord Lyndhurst) would, with permission, read a few of them to their Lordships:—

"WICKLOW.—Sir Robert Kennedy, if to be judged by his intimates, extremely Whiggish. Answer; An honest gentleman, descended from loyal parents. In the usurper's time sufferers for their loyalty—himself an active justice of the peace.

"KING'S COUNTY.—Edward Bagot, reputed dishonest, but loyal. Answer: Very loyal, though once questioned for favouring Tories, but acquitted, some thinking him to be a Roman Catholic.

"FERMANAGH.—Sir Michael Cole, weak and Whiggish. Answer: A sober, loyal gentleman, and no bustling man, but of very good understanding, and no Whig.

"DUBLIN.—Henry Fernby, a weak man and Whiggish. Answer: A quiet, sober, ingenious man. A very good justice of the peace, of very loyal principles—so far from being a Whig that he is a constant Church of England man."

This was sufficient to show the exertions made in bad times for bad and corrupt objects to obtain the appointment of the sheriff—an instrument of such power, controlling the courts of justice, and effecting indirectly such important objects. It was a singular coincidence that one of the charges against the Lord Chancellor of Ireland, Sir Constantine Phipps, on the matter of the charters, was the illegal interference with the appointment of the sheriffs, and it was made the subject of a resolution against him in the House of Commons. He could not mean for a moment to impute to the noble Earl opposite (the Earl of Mulgrave) any improper motive. He had no doubt that the noble Earl in all that he had done in respect to the appointment of sheriffs had thought that he was acting consistently with the law. The noble Earl told their Lordships upon a former occasion that he never appointed any sheriffs from political principle or party motives. But what, in fact, had the noble Earl done? He had made occasional appointments, under circumstances which had always been considered by all parties as most irregular, and had been considered by many as being decidedly illegal. The noble Earl had introduced a new practice into Ireland. He had in the course of three years, in upwards of twenty instances, passed over the judges' lists, and had made a dreadful inroad into the practice of the constitution. When they considered the nature of the appointment of high sheriff, when they considered the express and distinct language of the statute to which he had referred, and when they considered the authorities to which he had called their attention, and when also they referred to what had been the usage from the earliest time to the present moment, and then when they found that the present Lord-lieutenant of Ireland had in upwards of twenty instances within the space of three years broken in upon the constitution of the country, departed from that statute and that usage, their Lordships must be persuaded, that a strong case had been made out for inquiry. He wished to have the facts to which he had referred, substantiated before a committee. He wished to know upon what ground these violations of the law had taken place; and he wished to know what it really was, that influenced the noble Earl in adopting the course he had taken. It was a grave subject of inquiry between the noble Earl, as the representative of the executive power in Ireland, and the country; and their Lordships, as the guardians of the laws and constitution of the country, would neglect their duty basely, if they did not inquire into it. It had been said that similar cases had occurred under previous administrations; and a case had been mentioned as having taken place under the government of the Duke of Northumberland, when Lord-lieutenant of Ireland. The case was of this description. The chief baron O'Grady's son had had a fierce contest for the county for which the return of the sheriff's list had been made by the Chief Baron himself. The return was made when a dissolution of Parliament was expected, and it was apprehended that undue use had been made by the Chief Baron of his power to nominate the three persons on the sheriffs' list. What was done? The Duke of Northumberland set aside entirely that list, and appointed another individual to be the sheriff who was not on that list. The noble Duke could not refer to the Chief

Justice again, because it would have been referring to the same interested tribunal. But he appointed an individual directly opposed to the Government. That his motives were pure, and that he acted upon honourable principles, no man for a moment would question; but this showed the danger, even from the best motives, of breaking in upon the principles of the law. One precedent became the foundation of another, till at last the principles of the law were sapped and undermined, and that which originated from the best disposition became the foundation of conduct of the most miserable, and of the basest corruption. He believed, that another case had occurred under Lord Wellesley; but he was not quite sure as to the facts. He was told, however, that the case was of this description; that after the return of the judges it was found, that none of the persons could serve. What was done by the Lord-lieutenant on that occasion? Did he appoint the sheriff on his own authority? No such thing. He desired the judges to make out a new list, and a new list was accordingly made out, and from that the sheriff was appointed. There were other cases, he believed, of a similar description, but these were all that occurred to him. He would state broadly and distinctly his opinion, founded upon the Act called Poyning's Act, that the Lord-lieutenant had no power to go out of the judges' list. The Act of Parliament was precise upon the point; and who would say, that an Act of Parliament was not to be obeyed by the Crown? The Crown never had the power to appoint the sheriffs. That power originally resided in the freeholders; and when the Act of Parliament was passed, it transferred that power to the judges, subject to the selection by the Crown. He did not intend to enter upon the Monaghan case now. That was a matter of fact which, if a committee were granted, might be inquired into. It appeared, that in that case the dismissal was by letter; now he apprehended no sheriff could be superseded by a mere letter; he could only be superseded by a writ, and which writ must state the circumstances of the case. The facts were not traversable, but a legal case must be shown. What took place? Mr. Coote was appointed sheriff. He was removed; but there were two other unexceptionable persons on the judge's list, Mr. Ewart and Mr. Crawford. No application was made to them, but what did the noble Earl and his advisers do? The names of those two gentlemen were passed over, and a Mr. Kenney, a Roman Catholic, was appointed. Why, if Mr. Coote was removed, did not the noble Earl apply to Mr. Ewart, or to Mr. Crawford, instead of going to a stranger, a gentleman whose name had never been on the judges' lists? But who was this Mr. Kenney? It had happened, that a case was appointed to be tried at the assizes of the county of Monaghan in which the brother of Mr. Kenney, the high sheriff, was the defendant. Surely this required some explanation. He was not, however, resting upon one isolated case. There were twenty instances of the judges' lists having been passed over, and that was the ground upon which he moved, that all these facts should be inquired into before a committee. Another serious inconvenience had occurred by the appointment of Mr. Kenney. There was a case in which the property involved was a valuable water-course. Six or seven counsel were engaged on each side. A "view" was required, and was appointed by Mr. Kenney, the sheriff, to take place, but Mr. Kenney was unable to attend; the consequence was, that the cause could not be tried, and it went over to the next assizes. Really these were cases of a very extraordinary character, and required explanation. There was a case in which the noble Earl stated the question of the appointment of the sheriff for Monaghan was raised at the assizes, and the noble Earl said, the other night, that the judges had decided, that the appointment of the sheriff was legal. That was the substance of the noble Lord's speech as reported in *The Morning Chronicle.* But the noble Earl ought certainly to be more careful before he made statements of that description. The judges never decided that question. There was a question whether or not the jury appointed by a sheriff *de facto* could be challenged in the array. That was the question put on the record, and was the only question decided. The judges, indeed, gave a decision directly the contrary to what the noble Earl had stated; and he was the more surprised, that the noble Earl should have made that observation, when he (Lord Lyndhurst) referred to the fact, that the late Chief Baron Joy, a judge of great eminence and learning, had had a communication with the noble Earl and with Mr. Drummond on the subject. Chief Baron Joy formed an opinion with respect to the illegality of the conduct of the noble Earl, which opinion was not expressed in a few words merely, but in a lengthened and detailed argument, referring to the Acts of Parliament and to the decisions of all the authorities, and in which he declared, that the interference of the executive in the appointment of the sheriffs in the manner in which that interference had been exercised by the noble Earl was grossly illegal. He had a copy of the opinion of that learned Baron; but he would observe, that he did not receive it from any member of his family. It consisted of several pages. At the conclusion he expressed himself to the effect, that upon the selection of the sheriffs, differing as he did from his excellency, he did not deem it respectful to express an opinion without due consideration, and transmitting to him his reasons from the sense he entertained of the desirableness of maintaining a proper feeling between the judges and the executive. The learned Baron then stated his opinion, that the course adopted by the noble Earl was not according to the law. How the noble Earl could have such shortness of memory as to state, that the judges who attended the assizes at Monaghan had decided, that the appointment of the sheriff was legal, he could not conceive.

The Earl of *Mulgrave:* The words I used were, that Mr. Justice Burton had decided that the appointment was legal.

Lord *Lyndhurst* did not understand the noble Earl so. According to the report in *The Mirror of Parliament* it appeared, that the noble Earl stated, that he was ready to prove, that Mr. Kenney was legally appointed high sheriff.

The Earl of *Mulgrave* had stated to the noble and learned Lord the words he had used.

Lord *Lyndhurst*: If the noble Earl did not state, that he could prove the egality of that appointment, then, of course, his (Lord Lyndhurst's) observations upon that point ended in nothing. All that he could say was, that the Chief Baron and, Mr. Justice Burton were decidedly of opinion, that the appointment of the sheriff in that case was illegal. It appeared then that all existing evidences, the evidence of law and usage, and the opinions of the best lawyers on the subject, went to show, that the practice of appointing sheriffs at once by the Crown was illegal and unconstitutional. The noble Earl, by departing from this rule in upwards of twenty instances, had made a great practical alteration in the law respecting the appointment of sheriffs in Ireland; and when the great importance of those officers was considered, when it was considered how seriously the manner of appointing them might affect the administration of justice, might affect the return of Members to the House of Commons, and might affect other branches of the state, he (Lord Lyndhurst) thought, that their Lordships were bound to inquire into all the circumstances and causes of that alteration. He should therefore move, that a select committee be appointed to inquire into the manner in which sheriffs had been appointed in Ireland in the years 1835, 1836, 1837, and 1838; and to report their opinions thereon to the House.

The Earl of *Mulgrave* was anxious to address a few words to their Lordships, although he was sure they must be quite aware of the embarrassment which he necessarily felt in attempting to answer observations on such a question by the noble and learned Lord. But he could not delay for a moment (the legal points of the case he should leave in much better hands than his) to vindicate himself from the charge which the noble and learned Lord had summed up in his last sentence, of his having made a great practical alteration in the law respecting the appointment of sheriffs in Ireland. Before he sat down he hoped to be able to show their Lordships, that that was not the case. He hoped to be able to show their Lordships, that the grounds on which he had acted with reference to that subject, were only the grounds on which, under the same circumstances, all his predecessors would have acted, and on which all future Lords-lieutenant of Ireland must more or less act. He could assure their Lordships, that since he had been in the office which he had the honour to hold, one of his most earnest objects had been to obtain the highest legal advice with reference to any measure of his Government. Not that he had the slightest reason to believe, that the measures recommended to him were not cautiously weighed and considered; but that he was still desirous that they should be further considered and investigated by high legal authority. He thought he should be able to prove, before he sat down, that the argument of the noble and learned Lord was applicable to England alone; and that, with reference even to England, the noble and learned Lord applied that argument in much too broad a manner; and he thought he should be able indisputably to prove, that the practice which the noble and learned Lord said was formerly the uniform practice in Ireland, was never the uniform practice in Ireland, and that in exercising the power of appointing sheriffs in Ireland in the manner in which he had exercised it, he had in no instance departed from the usage. Before, however, he proceeded with that point, he begged to say a word or two on the state and shape of the particular question, which the noble and learned Lord had submitted to the consideration of their Lordships. It was now nearly two months—certainly above six weeks—since the noble and learned Lord gave notice that he would move for a return of the number of prisoners in Monaghan gaol before and after the spring assizes of the present year. The noble and learned Lord had had many opportunities of considering the expediency of that motion; yet it was only on Thursday last, at a time when he (Lord Mulgrave) could not have had the means of obtaining any information or advice upon the subject, if he had wanted it, from Dublin, that the noble and learned Lord abandoned his original proposition; and on the ground of great fairness—(and what kind of fairness the noble and learned Lord possessed, the speech which he had made sufficiently evinced)—having withdrawn his notice of that motion, he substituted for it a notice of a motion of an altogether different character. Let their Lordships only consider the nature of the motion, notice of which the noble and learned Lord had in the first instance placed upon their books. It was a motion intimating, that the government of Ireland had done so pointedly illegal an act as to interfere with the course of justice in that country, and to let the punishment of the guilty be delayed, and to keep the innocent in confinement. That was the motion, notice of which was put on their Lordships' books by one of the first lawyers of the day, by one who had twice occupied the highest legal office in the country, and who, in the interval between those two appointments, had shown himself to be one of the best criminal judges that ever lived. Yet, on a mere newspaper report, to the effect, that the gaol of Monaghan had not been delivered, that noble and learned Lord had hung up so grave an accusation against the Government of Ireland, for nearly two months, and then suddenly changed the subject for the one which he had that evening brought under their Lordships' consideration. Fairness! Really it was not unfair to believe, that the noble and learned Lord found, that he should have some difficulty in substantiating the facts of his original charge, and that it was to get himself out of that difficulty, that he made the change in the purport of his motion. But even with regard to the manner in which the noble and learned Lord had brought forward his present proposition respecting the appointment of sheriffs in Ireland, he must say, that the noble Lord had been not only unfair but irregular. The noble and learned Lord had referred to former debates, he had referred to newspaper reports, and he had hesitated to receive the explanation of the noble Lord who had used them with reference to the employment of certain expressions which the noble Baron had quoted. He (Lord Mulgrave) had stated what words he had used and how he had used them; and had shown, that they were not applicable in the way which had been imputed. What he had alluded to was the question of dismissing a grand juror in the county of Monaghan;—undoubtedly an illegal act; the question upon which was raised, but had been decided by Judge Burton; for as to Chief Baron Joy he had nothing to do with it, having actually left the town. With regard to the main question brought forward by the noble and learned Lord, whatever might be the legal and constitutional considerations connected with going out of the judges' lists in the appointment of sheriffs, he readily admitted, that any act of the Government superseding that list was not a small matter, and required such a justification as only a view to the peace and advantage of the country could afford. The noble Earl proceeded to read the letters which on two occasions were written in his name with reference to sub-sheriffs. The first was to the effect that "when a case such as that was brought before his excellency, he thought it his duty to interpose; the functions of a sub-sheriff being most important." And so unquestionably they were. No public officer in Ireland required the exercise of greater discretion in the performance of his duties. The letter proceeded to state that the party recommended was a clerk to an attorney, and therefore not a free agent. The second letter related to the case of a sub-sheriff for the county of Sligo, whose appointment by Mr. Coote was not confirmed. This was made a great grievance of, and it had been asserted, that there had been a violation of a promise on the occasion. The noble Earl here read the correspondence on the subject, by which it appeared, that in the first instance a Mr. James Gray, a notorious public character in the county, had been appointed, but that Mr. Coote afterwards substituted his father, Mr. Samuel Gray. Now, to say nothing of other matters, Mr. Samuel Gray was a publican. The office of sub-sheriff required considerable legal knowledge, and it was evident, that a publican was a most objectionable person to fill the office. He would not go into details with respect to Mr. Samuel Gray; but in consequence of some reports respecting a trial in Dublin, he (the Earl of Mulgrave) had applied to Mr. Smith, the clerk of the peace for the county to throw some light on Mr. Gray's character. The answer was, that on a trial in the preceding year, Mr. Gray had wanted to negociate with the judges as an independent party, and had stated, that he had the power, if the prosecution of the persons undergoing trial were withdrawn, to prevent the recurrence of the circumstances. That was a kind of power or influence which, in his (Lord Mulgrave's) opinion, ought not to be in the hands of a sub-sheriff. He now came to the larger question. He came to consider whether the acts of Edward 2nd. and Edward 3rd. were recognised in Ireland as the law on which sheriffs were to be appointed. That was a point which, on the authority of the first lawyers in Ireland, he would not concede to the noble and learned lord. And for this reason, that at the times referred to by the noble and learned Lord, the whole state of the country of Ireland rendered such a recognition impracticable and impossible. At the very time to which the noble and learned Lord alluded, the 9th of Edward 2nd, when the law was established by which the appointment of sheriffs in England was regulated, the whole of Ireland was cantoned into palatinates; and the law was wholly inapplicable. The noble and learned Lord had also said, that there was no power vested in the Crown to appoint sheriffs. The fact, however, was, that Edward 2nd, granted the shrievalty of the county of Louth to the Earl of Louth, and also disposed of the shrievalty of the county of Cork. With respect to the general application of the act of Edward 3rd to Ireland, in fact it was then utterly impossible to make the same law on the subject applicable in England and Ireland. In the latter country there were no circuits established, there were not the same officers, there was not the same state of things as in the former. Then came Poyning's act, in the reign of Henry 7th. Now, if he were not misinformed, the construction actually put upon that act, was not the construction which had been put upon it by the noble and learned Lord. The whole question, indeed, was how far in Ireland Poyning's act rendered the mode of appointing sheriffs the same as in England—In Ireland that mode being at that period impracticable. Although two years ago he had not stated, in that house, what had been ascribed to him, he had stated, that there were no meetings of the judges in Ireland analogous to the meetings of the judges in England. In England they were required to meet in the Exchequer Chamber, with the Treasurer of the Exchequer: in Ireland there was no Treasurer of the Exchequer. But in no other respect could the meetings of the judges in Ireland be considered analogous to the meetings of the judges in England. Many instances could be shown in which the king not only appointed sheriffs of counties in Ireland for the year; but appointed them for three, five, and eight or nine years, as in the case of the reign of George 2nd Those instances might be carried down from reign to reign. The noble and learned Lord had quoted a letter from Lord Clarendon, who was Lord-lieutenant of Ireland in the reign of James 2nd. Another letter from Lord Clarendon might be quoted, in which he distinctly stated "that he had kept some of the sheriffs in office for more than a year, and that in their appointment he had not confined himself to the Lord Chancellor's roll, but having ascertained who were the men best qualified for the office, whether Catholics or Protestants, had appointed them; so that most of the sheriffs whom he had nominated were new men. It also appeared, that it had been the practice of Lord Clarendon to consult the Lord Chancellor alone, and no other judge. The noble Earl read an extract from another letter of Lord Clarendon's, to the same effect. In subsequent periods it was undoubtedly the practice of the judges to recommend certain persons for the office of sheriffs; but that recommendation was frequently departed from. The noble and learned Lord had pronounced a deserved panegyric on the alteration which a right hon. Baronet, when he was chief secretary for Ireland, had introduced on the subject. It was a most beneficial change; and he (Lord Mulgrave) was most anxious to adhere to it, except where there was some special cause for departing from the principle. But the right hon. Baronet, in speaking of the inconvenience of the existing practice, never talked of its illegality. It was obvious, indeed, that he could not consider it illegal; for if illegal, Mr. Saurin, the Attorney-General, had been guilty of it for years; and that under the chancellorship of Lord Manners. But, in fact, no man at that time heard anything about the illegality of the mode of appointing sheriffs in Ireland, or of the necessity of reconciling that mode to the mode prescribed for England in English statutes. In confirmation of this statement, the noble Earl read extracts from the letters of Sir Robert Peel, when he was chief Secretary, in which he spoke of the desire of the Lord-lieutenant, to revert to the ancient practice" with respect to the appointment of sheriffs, but not a word about illegality. Now, the question was, whether he (Lord Mulgrave) had not done only that, in the exercise of the discretion with which he was vested, which had been done by almost every Lord-lieutenant who had been sent to Ireland? The noble Earl proceeded to read a list of instances in which Lords-lieutenant of Ireland, in the nomination of sheriffs, had gone out of the judges' lists. In 1825, in the cases of the county of Clare and the Queen's county, the Marquess Wellesley went out of the judges' list, and appointed an individual whose name had not been returned to him by those functionaries. In 1829, the Lords Justices in the case of the county of Antrim appointed out of the judges' list; and then, in 1830, in the Limerick case alluded to by the noble and learned Lord, the Duke of Northumberland, went out of the list, and appointed a gentleman sheriff whose name had not been returned to him, and without even referring to the judges for their opinions as to such appointments. And who, he begged to ask, were the advisers of the Duke of Northumberland upon the occasion to which he had referred? The noble and learned Lord had talked of the illegality of going out of the judges' list, and had gone so far as to say, that his (Lord Mulgrave's) conduct in this respect, had met with the general censure of the bench in Ireland; but who, he begged to ask, were the chief advisers of the noble Duke opposite, when he adopted a course in no way differing from that for which he was censured? Why, the late Baron Joy was one, and the other was Mr. Doherty, now chief justice of the Common Pleas. But to resume. In 1831, during the administration of the Marquess of Anglesey, there was a departure from the list; in 1834, under the second administration of the Marquess Wellesley, another; and, in 1835, under the administration of the Earl of Haddington, another—that was in the case of the county of Monaghan, when a Mr. Cole, who was not in the list, was named in place of Mr. Westenra. He had gone through every viceroyalty from 1817, when Mr. Peel introduced his new regulations, up to the present moment, and he found that it never had been considered in Ireland as compulsory on the Lord-lieutenants, to adhere to the judges' lists. He was told, that he (Earl Mulgrave) had established, in respect to the nomination of sheriffs, a great practical alteration, but from this charge he rested his defence on the fact that every one of his predecessors had done the same thing. But then it was said, that no previous Lord-lieutenant had used his authority to supplant the judges' lists, so frequently as he had. That might be true, but then the peculiar circumstances that had taken place, since he assumed office, were to be taken into consideration. For instance, in the first year of his office, it was decided by the Government, that no member of a secret society should be nominated to the office of sheriff. That resolution had been the cause of his having in that year so frequently gone out of the judges' lists. In the next year, there occurred but the case of Mr. Lee. In the instance of that gentleman, he had been misinformed, and acting upon that misinformation, he went out of the lists, but, discovering his error, he had made Mr. Lee the only reparation in his power, by having him nominated to the office the succeeding year. In the next, the third year of his being in office, having discovered that some of the judges had departed from the rule laid down by Mr. Peel, that in framing their lists, they should consult with the actual sheriffs, he had, acting upon advice, gone out of those lists in one or two instances, with a view of repairing what he considered a very serious omission. Such was the brief and plain history of every case in which the rule of pricking from the judges' lists had been departed from during his administration. In what he had done, he might have been right, or he might have been wrong, but in every instance he had acted under the very best advice, and in no case had he departed from the fixed rule without being satisfied that there were good and substantial reasons to justify his doing so. In all there were eighteen cases in which he had gone out of the list, and in every one of these, he felt confident he was able to give a good and sufficient reason for his conduct. But were there no occasions on which, though strongly urged to depart from the lists, he had refused to do so? There were several, and of these the last nomination for the county of Longford was one. The name of Mr. Featherstone was on the judges' list for that county, and although numerous representations were addressed to him against nominating him to the office, not finding on examination that they were very valid, he appointed him, and he was happy to say, he had had no reason to regret having done so. The same occurred in the case of the King's county in respect to the appointment of Mr. Coote, the son of Sir Charles Coote. That was not a popular appointment at all, and was only persevered in, despite of urgent representations, on the ground that he found no substantial reasons for departing from what was considered the established rule. Having stated this much, he had now one or two remarks to make with respect to the inquiry sought for by the noble and learned Lord. He begged to be distinctly understood, as far from wishing, that such an inquiry should not take place. On the contrary, he thought it would be of very great assistance to him if the House should determine to enter upon it. At the same time, he must say, he thought he had established a case, fully proving that he had not himself done anything to call for a motion of the nature of that which the noble and learned Lord had submitted to their Lordships. Should the inquiry be entered upon, he sincerely hoped their Lordships would take the opportunity it would afford to turn their serious attention to the very great discretion given under the existing system of nomination to sub-sheriffs. That was a question of the very utmost importance. At present there was a degree of power and discretion vested in sub-sheriffs which rendered it of the utmost consequence that great care should be taken in their selection, and as experience had proved, that leaving their nomination to the high sheriffs had led to repeated collisions, which, in the present state of feeling in Ireland, it was doubly desirable to avoid, he sincerely and earnestly entreated their Lordships to turn their attention to the subject, with the view of seeing whether some better security for their competency and fitness for the office than the very slight one which now existed might not be devised. He had, then, in conclusion, thanking their Lordships for the patience with which they had heard him, only to observe, that while he could not on the one hand be a party to assenting to the noble and learned Lord's motion, if its sole object was to attack and impugn his individual conduct, he, on the other hand, if it was meant to lead to a general inquiry, with the view of throwing light upon the system under which the nomination of sheriffs in Ireland at present took place, not only should not object to it, but would seriously recommend to their Lordships the expediency of entering upon it.

Lord *Brougham* observed, that on a question which he could not but regard as one of great importance—not alone as it might affect an individual of high rank and station in the country, but of grave importance as it might affect also the administration of justice in the empire—on such a question he could have wished, and would have been more satisfied, if he had had the advantage of hearing some of those great luminaries of the law who were the chief law advisers of the Executive in the two countries—for instance, his noble and learned Friend on the woolsack, and more especially, in this particular case, his noble and learned Friend the chief adviser of the executive in Ireland. He was in expectation, but only for a moment, that before he ventured to offer any observation on the question, he should have had the benefit of the opinion of his noble and learned Friend (Lord Plunkett), the more particularly as the noble Earl in the outset of his speech said, that it was not his intention to go into the law of the case, intimating, as he understood, that there were others to whom that branch of the subject would more especially belong. Besides, the noble Earl had told their Lordships that in the course which he pursued he acted on the best legal advice which he could command, and though the noble Earl named no name, and pointed to no particular quarter, yet he could come to no other conclusion than that his noble and learned Friend (Lord Plunkett) near him was one of the parties at least alluded to, who was to be one of the cast of characters in this discussion—as one of the great luminaries of the law and its great expounder to the Irish Executive. He had thought that the noble Earl, content with defending himself, would leave the exposition of the law to other hands. The noble Earl had told them that he had acted with the concurrence of his legal advisers. He would have been equally responsible with that advice as without it, but that did not take away the responsibility of those who gave the advice. As the burden of the noble Earl's song had been, that he had acted with the best legal advice, he knew the noble Earl well enough, and he also knew his noble and learned Friend (Lord Plunkett) well enough, not to conclude that he was the party alluded to; but if any change was made in the constitutional practice, the noble and learned Lord was not one whit the less called on to defend himself than the noble Earl; and he would say to his noble and learned Friend in the language of their common profession, "God send you a good deliverance." His noble and learned Friend was, therefore, placed as much on his defence as his co-defendant; his unlearned brother, the noble Earl. Great, then, was his surprise to find the noble and learned Defendant allowing the case to go over on a *nil dicit.* [Lord *Plunkett*: You need be under no apprehension as to that.]—Yes, that was all very well; but what he should have liked was to have the defence come in its proper time, and though his noble and learned Friend looked so kind and so merry at that moment, the question might be, would he, when their Lordships had considered this subject more fully, have the same kind and the same merry countenance? He did not suppose that the reluctance of his noble and learned Friend to address their Lordships arose from any doubt as to the ability of the defence made by his noble co-defendant. Nor did he think, that it was in consequence of any great confidence on his noble and learned Friend's part, in any extraordinary degree of favour he might expect from the tribunal he would have to appear before. He fairly told his noble Friend that; but he thought that his noble and learned Friend's silence proceeded from the confidence he felt in the very ingenious defence which their Lordships had just heard, wrapt up as it was in all manner of vague and indefinite terms and expressions. But, however it had been settled, it seemed, after a great deal of counsel and no doubt much anxious consideration, what course should be adopted on this occasion, and it was accordingly said, Well, we will give you an inquiry, but don't put just this very inquiry—not just in these very terms—because that looks like inculpating us; but the truth is, we wish very much to have the aid of this House to ascertain the exact law as to this matter in Ireland, and to settle it once for all." Now he, as at present advised, was not of opinion that the state of the law in Ireland on this point, was such as called for any inquiry whatever on the part of their Lordships, or any other body, for it was in no way whatever unsettled or unascertained. The speech of his noble and learned Friend opposite, had satisfactorily demonstrated that to his mind; he had arrived at a full conviction on the subject, and by that conviction he should abide, until he heard from his noble and learned Friend behind him (Lord Plunkett), or from some other competent authority, that there was no doubt about his error. Certainly, however, to this conclusion he should have come of himself, even without the aid of his noble and learned Friend's clear and luminous statement of the case. Now, first he must say, that his noble and learned Friend opposite, was not open to the charge of unfairness preferred against him by the noble Earl at the head of her Majesty's Government in Ireland, in regard to the mode in which he had chosen to bring forward this motion. Long since had the noble and learned Lord given notice of his intention to bring forward a motion of some sort or other of this nature, and he had always understood—he had not seen the words of the motion in the book, nor had any communication with his noble and learned friend—but he had always understood that the motion contemplated by his noble and learned Friend was about the appointment of sheriffs. Moreover, he understood that his noble and learned Friend had been induced to put it off from time to time, and he did not know that it was so put off, for his noble and learned friend's own convenience; but, on the contrary, he was told that his noble and learned friend was asked by the noble Earl himself so to put it off [Lord *Lyndhurst*—I was asked.] This, he thought, furnished an explanation of the delay, and he had no doubt the noble Earl had requested to have the matter put off, for the best possible reason—namely, to give time for the noble and learned Lord (Lord Plunkett) behind him to be there, and to give the noble Earl the aid of his learning and eloquence. There was then, in reality, no ground of complaint whatever. What, then was the ground? Was it the want of accuracy in the first notice, or was it the short time which had elapsed since Thursday last, when the corrected notice was given? But could any man doubt, that the noble Earl knew just as well what he was to be called upon to explain, from the first sight of the first notice of his noble and learned Friend, as if he had seen the words of which he had had a week's notice on the books? He thought, therefore, that the noble Earl had no right to charge his noble and learned Friend opposite, on either of the grounds which the noble Earl had mentioned with unfairness. He would now come to the argument. But in the outset he must say, he did not, in the least degree, intend to impute motives of a derogatory kind, to the noble Earl; he acquitted him in the most earnest manner, and most explicitly, of being actuated by any improper motives, or any intention to pervert the powers which the noble Earl thought that he possessed, to political and corrupt purposes: and further, he was fully convinced, that the noble Earl believed he really had those powers, or he would not have exercised them. This he most fully and candidly admitted. But the question for their Lordships to consider was, whether, in reality, and in law, the noble Earl, as representative of her Majesty in Ireland, had this power or not. The question was, whether, in the appointments the noble Earl had made, he had or had not stretched the powers of the prerogative committed to his keeping; it was, whether the law in Ireland differed *toto cœlo* from that which was the law of the land in this country. This was the pinch of the argument, this was the most important part of the subject now under their lordships' discussion—the most important to all men's interests and feelings, and prejudices—but to him at this time, and with his principles in respect to Irish politics, more important still, because he, with his noble friends on (the Treasury Bench), had always held, that while it was the duty of Government and of Parliament to hold the balance even between conflicting parties and sects, they were bound at the same time to extend to Ireland the full benefit of all the laws of England that were applicable to the state of that country. But he was now, it seemed, to learn, that one law holds where to bind the Crown in the exercise of its prerogative with respect to appointments to the shrievalty, but that on the other side of the channel a different system prevailed which was fitter for the reigns of the Plantagenets and Tudors, but he would show presently, that this very power was wrested from the Plantagenets and Tudors, and that the whole current of law since had run in the opposite direction. What, then, did it signify coming forward to talk about equal rights to Ireland only where the question was some petty office in a municipal corporation, when what the learned Mr. Justice Blackstone, and his learned commentator, Professor Christian—no very great friends, either of them, to the rights of the people, and surely no violent foes to the prerogatives of the Crown—both on the same page, expressly declared to be law here, and what they blessed themselves was law here, is not the law in Ireland, but just the reverse? This it was which gave the present debate, and the considerations connected with the subject of it, a peculiar importance and a superlative interest for him. He regarded the people of Ireland as his fellow-subjects, and not as "aliens." He had made allusion to those words, used by his noble and learned Friend opposite on a former occasion, because his noble and learned Friend had offered an explanation of them, though he did not know whether, like the noble Earl's explanation, it was intended to bind and stop all men from questioning it, and really, therefore, he hoped his noble and learned Friend would not quarrel with him on account of this allusion to his words, because his noble Friend would have an opportunity, if he were wrong in the meaning he attached to the words he had quoted, of setting him right. He held, that it was of the last importance that no distinction should be made between the two countries, and if the law on this point were proved to be different in each, then he said let not another sun go down without bringing in a bill to put an end to so portentous an anomaly. He had then stated his views upon the subject, having only heard one side, and without the benefit of that fuller and more ample light which his noble and learned Friend would have shed upon it. The noble Earl had contradicted the assertion of the noble and learned Lord, who had said, that the Sovereign in England never had power to name the sheriffs; according to the noble Earl, the Sovereign was, like the Gentiles, "a law unto himself." Why, all the authorities,—Coke, Serjeant Hawkins, that great authority on criminal law, and many others, down even to Burn, an author whom many people had in their possession, and some in their heads, and with whom most of their Lordships had some acquaintance, even he stated, it was stated also by Blackstone, and all other grave and learned authorities, whether on the royal, the baronial, or the common law, it was asserted in various statutes also, it having been the common law long before any statutes existed, that the Sovereign had not the right claimed for him by the noble Earl. But the Plantagenets, they were told, held different opinions on prerogative from those which some people supported at the present day. Now the Plantagenets, in the fourteenth century, legislated on this and other matters with a succinctness which he wished all their successors had imitated, and they had said, as it were from a foresight and foreknowledge that some future viceroy might come to raise this question, in the 28th of Edward 1st. cap. 8, that the King has granted unto the people, that they should have the election of sheriffs in every county wherein the shrievalty was not in fee. This was the enactment of Edward 1st. and then came the laws of Edward 2nd. and Edward 3rd., and the statute of the latter monarch, expressly and peremptorily laid down the canon by which the sheriffs should be appointed in this country. But the noble Earl stated, that the great point was, whether this was the law in Ireland. Now, in reference to this, he would not only remind the noble Earl of the authorities—numerous and decisive he should have thought them—quoted by his noble and learned Friend opposite, but he would venture to say, that no one point was more certainly established, if any credit was to be given to the assertions of authorities of various kinds competent to decide the point, confirmed as they were by various independent authorities, treating of the matter in a more incidental manner, than the identity of the law in the two countries with respect to the choice of sheriffs. Now one of the fallacies which the noble Earl had held up, as it were, to throw cobwebs around the subject, and cast a film before their Lordships' eyes, was respecting Poyning's law, which, as he understood, had always been held to apply to such a case as this. But, even if it could be shown distinctly and accurately to apply to the point in question, having been repealed in 1795, there was the less reason to discuss it. This was admitted on all hands, for it was admitted by the noble Earl. But it was said how could Poyning's law, and much more the law of Edward 2nd., apply to Ireland, where there were no county divisions at that time, where no judges went circuits, and the whole country was in a savage and barbarous state? Now, he admitted, that in Edward 2nd., and at the time of the statute of the 14th of Edward 3rd., which soon after followed, there was nothing apparently applicable to Ireland. But the question was, whether these laws were not imported into Ireland and made the law of the land, in Poyning's Act, in the time of Henry 7th. The noble Earl was moving the landmark in stating this; because if this was the real description of Poyning's law, on what else stood all the other statutes which held in Ireland? All the various acts of Henry 8th., containing the whole law of real property, the statute of Westminster the second, and others, from Magna Charta downwards, rested upon this law of Poyning's, at least the statutes of uses and entail, and the whole legislation of the English Justinian Edward 2nd., as applied to Ireland, rested on Poyning's Act. It was asked by the noble Earl, how was it possible there could be any application of these laws to Ireland at a time when there was no machinery in existence for carrying them into effect; but this was exactly the same argument as that common one among youthful practitioners with respect to the law of tithe on potatoes. They were accustomed to ask how it was possible that potatoes could be legally titheable since no such things were known in the time of Richard 2nd? but the answer was in this, as in the argument of the noble Earl, that from the general principles of the law these results were immediately deducible; and in regard to Ireland, as soon as the English pale became co-extensive with that island, the whole was immediately put under the English law. But by this time he thought their Lordships would be of opinion that the identity of law in the two countries, resting as it did on so many authorities, was satisfactorily made out. He had great respect for those great but unnamed, and perhaps unnamed because anonymous, authorities, to which the noble Earl had alluded, and by whose advice, the best as he said which he could get, it was, that he had acted; but he must say, that the contradiction to those high authorities given by his noble and learned Friend opposite was not a mere *dictum* of his noble and learned Friend, for, first, they had the report of the law commissioners of 1826, who distinctly stated, that the statute of Edward 2nd. was law in Ireland, and they moreover distinctly referred to this very practice of choosing sheriffs. And these Commissioners were no mean authorities; they were men of inquiring minds; they were lawyers, judging of the facts beforehand, and not sitting down to find loopholes by which to get out of a bad case, nor hunting out modes of quibbling to make out a statement with a view to compassing a political object. It was an argument with him in favour of that authority to be attached to their inquiries that they were conducted with the sole view of ascertaining the truth, and not being advocates for the establishment of a particular point or object. But his case did not rest here. He had, in addition, the authority of legal practice as stated in various sources of information, without any possible view to the present question. One of the works on this subject, published a century and a quarter ago, giving an account of the office of sheriff, stated distinctly the course then pursued as to the appointment of these magistrates, which tallied as nearly with that followed in England as circumstances would permit. This work gave the selection to the judges, making the Crown merely ancillary and ministerial. But what was the best authority on this subject—the one most able to pour out for their information a mass of lore as to legal and constitutional practice respecting the appointment of sheriffs? To what man on the equity or on the common-law side of Westminster-hall would they resort for information? Not to the Lord Chancellor, for he only dealt with such questions incidentally, but to a common-law judge, for he, of necessity, must deal with them. The sheriff was the servant of the common-law judges, the officer of their courts, whose business it was, to obey their commands, just as it was their business to decide questions and to expound the law. To a judge of common law they must go, and with the greatest propriety to a judge of the Court of Queen's Bench, because that was the chief court of civil and criminal jurisdiction, and the sheriff was emphatically its servant. Hardly a day in any term passed in which it did not happen that the judges of that court made an order on the sheriff of a county, and if he declined to obey it, his person was attached as a matter of course, and he was committed to the custody of the marshal, as if he were the meanest tipstaff whom they had at their beck. Let him pause to ask whether there was any one consideration which could more clearly demonstrate that if it was not now the law of Ireland, it ought instantly to be made the law of that country, that the judges of the courts of common law should be consulted in the choice of sheriffs, since they were the officers of those courts? That was the order of practice and the ground of the practice in the times of the Plantagenets, in the times of the Tudors, and, with one variation, introduced in the excellent days of the Stuarts, was continued down to the present time. Two inferences, then, he drew from this—one,that it was most probably the law in Ireland that the sheriff was appointed by the judges of common law—the other, that if it were not, it ought without further delay to be made the law. To which of the judges of the Court of Queen's Bench should they apply for information but to the learned chief justice? He had heard his noble and learned friend near him state the opinions of the chief justice of that court in Ireland as to the regular mode of appointing the sheriffs of that country. It was very difficult to discover the difference existing between that mode and the mode adopted in this country—so difficult, in fact, that it had escaped his notice, and he was indebted to the acuteness of the noble earl near him for its discovery. The difference, it appeared, was this—that the judges, when they selected a sheriff, did not meet in the Exchequer Chamber, as here, but in the Queen's Bench Chamber. *Oh, lepidum ingenium!* Wonderful was the sagacity of the noble Earl, who had dissipated the pernicious delusion so universally existing as to the identity of practice in Ireland and England. It was now clear that there was a mighty difference; the *locus in quo* was quite dissimilar. His noble and learned friend's (Lord Plunkett's) countrymen had the grievous misfortune to have their sheriffs chosen by the common-law judges, without the assistance of the Lord Chancellor, but in the chamber of the Chief Justice, whereas happy Englishmen had their rights protected, their liberties defended, and the administration of justice confined to a channel of perennial purity, by having the process of selection performed—not, God forbid, in the chamber of the Chief Justice—then were they slaves indeed—but in the Exchequer Chamber, on the morning of St. Martin's Day. In Ireland, he believed, it was on the morning of All Souls' Day. It was said, that for forty years after 1776 the practice of giving the appointment of sheriffs to the judges was departed from. Admitting this, he considered the fact to bear strongly in favour of the views he entertained. There never was a case in which the maxim *exceptio probat regulam* more clearly applied. If the practice followed during this period had been one pursued during the lapse of ages, which hid its head in the mist of remote antiquity, then, on the principle *communis error facit jus*, there might have been some colour for defending it as legal; but as the duration of it was restricted by the advocates of its legality to the term he had mentioned, it was obviously admitted, that previous to 1776 the other practice had prevailed, and that Sir R. Peel deserved very great credit for reviving and enforcing the old practice. The noble Earl said, he had done nothing but what his predecessors had done, who all neglected to consult the judges, and nominated the sheriffs on their own responsibility. The noble Earl stated, that Lord Wellesley, in 1822, having obtained from the judges three names of persons to fill the office of sheriff of Leighlin, instead of accepting them, named another person called Edward Jones. But it was utterly impossible to tell whether this case was an exception to the general rule: it might be the very reverse of the Monaghan case. How were they to know the grounds on which Lord Wellesley, passing over the persons recommended by the judges, named Mr. Jones? All that the noble Earl knew was, that three names were given in by the judges, but they did not know that those persons were capable of acting. They did not know whether the fourth person who was appointed had not been recommended by the judges after the rejection of the other three. The same observation applied to all the other cases referred to by the noble Earl, with the exception of that in which the Duke of Northumberland was concerned. A word now as to the facts of the case of Monaghan brought forward by his noble and learned friend opposite. He would assume that Mr. James Gray, as had been stated by the noble Earl, was an agitator and an Orangeman—that he was a very unfit person to be intrusted with the office of under-sheriff. The question was not whether Mr. Coote was fit to be an under-sheriff, but whether he was fit to be sheriff. Mr. Drummond wrote to Mr. Coote to ask if it were true that he had appointed as his under-sheriff Mr. James Gray, a youth of nineteen. Of course the important point was, not whether the person's name were Gray, Nokes, or Styles, but whether he were or were not a youth of nineteen. The answer of Mr. Coote was, that it was not true that he had not appointed a youth of that age to be his under-sheriff. Mr. Coote was not called upon to say anything else, he was not required to state whether he had appointed the father of this young man or not. Had he done so, he might have been told by Mr. Drummond that that statement was quite superfluous, and that all he wanted to know was whether or not he had appointed a youth of nineteen. If Government, however, wanted to know whether the father of Mr. James Gray, had been appointed, they ought to have made inquiry; but not a single question was put to Mr.

Coote as to the appointment of the father before he was removed by a letter from the Lord-lieutenant. With respect to the appointment of the under-sheriffs, he perceived there was a notion prevalent in Ireland that would fill the breast of an English lawyer with abhorrence—that the Government had a right to interfere in the matter. What authority for this was to be found? Were their Lordships aware of the relation in which the under-sheriff stood to the sheriff? The sheriff was liable to an action at any time for the nonfeasance or misfeasance of the under-sheriff. The sheriff was answerable for the act of his subordinate, even if he did not appear at all in the matter, merely because his name was in the writ. The under-sheriff might employ the most wicked and reckless villains as his agents, the most corrupt and debased of mankind, but the sheriff was responsible for his conduct. If a debtor made his escape from the custody of the under-sheriff the sheriff was liable for the debt, though it amounted to 20,000*l.* No man in England had ever heard of the Government interfering in the appointment of the under-sheriffs, even in the worst of times. Such conduct would be as inconsistent and as outrageous as to interfere with any of their Lordships in the choice of their stewards and domestics. He had stated his opinions strongly, because he felt strongly on this subject. With respect to the challenge of the arraign, the facts were these. Some men at the bar challenged the arraign on the ground that the return was made by an illegal sheriff, but it was contended on the other side that such a return was no ground for challenging the arraign; that question, however, was never decided. The noble Earl had said, that in the time of Lord Clarendon, only the Chancellor and Secretary were present when the sheriffs were pricked for; to be sure, but then they were chosen by the judges first, as in England, and afterwards pricked for by the King. But the House had before them the fact, that the practice complained of was not once or twice, but habitually carried out, and that the exception was made the rule; that this thing was done not eight times in three years, but in one year, which, taking into account the comparative number of counties in England and Ireland, was equal to about thirteen times. If there was anything on which the respect of the people towards the Government rested, it was a strict, uniform, and uninterrupted impartiality of the Government in the administration of justice; and with any mal-administration of justice, with the ineffective distribution of the powers of the law, with the improper appointment of officers of justice their Lordships might, and ought, and must interfere. It was properly and appropriately a province of their Lordships, being at the head of the law in the last resort, the judges superintending and controlling all inferior tribunals, theirs was the province above all men, the duty was more imperiously binding on them, and was commanding them more than all and any men, to see that the stream of justice, flowing from pure fountains, should never be crossed by any contamination, and thus prevent it from being corrupted by that, which in the hands of the noble Earl and on the advice of the noble Earl he well knew in future it never would, as in times past it never could have been polluted—a perversion to political purposes. Yet their province it was, their most sacred duty it was, above all men imperatively commanded were they by that duty to see that the pure stream of justice never should be sluiced into any strange channel in which in worse times, and under other hands, and under other advice, it could be polluted by the foulest of all contaminations—personal, or political, or sectarian, or factious purposes. Say not to him that there might be a possibility of it, or a bare possibility of it—they were to legislate for times when other men might sway the sceptre, when others might hold the reigns of Government; they were to legislate prospectively, and to visit things that had been done hitherto, and were doing now, also prospectively, careless whether they who had done them were ever likely to repeat them, even if they were satisfied that they were incapable of feeling desire to make such a repetition; but they were to visit them at all events with investigation, and with a view to example's sake, and to prevent what had been done innocently from being drawn into an evil precedent, and afterwards done in worse times and by other men guiltily and oppressively. Purity of Government would entitle an administration to the love and respect of the people; and he held that if in one scale they were to put all the benefits together of every kind which the people derived from the social systems established amongst them and from Governments erected over them, and in the other scale justice, pure and undefiled justice, not accidentally pure, but which must be kept pure by examples being made and inquiries instituted, and protecting laws enacted, and safeguards cast around those over whom that justice was administered, so that it would not only be accidentally pure, and occasionally pure, but that it never could be impure—if they were to put that pure justice in one scale, and all the other benefits which Government conferred on mankind in the other scale, the loaded scale, loaded in appearance, but light in reality, would "fly up and kick the beam." Purity of justice was the foundation of public security; it kept society together, it united all sects, it instigated all grievances, it pacified all discontents, it prevented all rebellions, it made impossible all effectual—because it made impossible any general—resistance to Governments; and their Lordships might be assured of this, that it was not more true that the sun rose in the east, and set in the west, than that as long as the people were satisfied that justice was pure, no Government, however taxed with imprudence, need ever dread that the feelings and affections of the people would be estranged from it; but then pure it must be, and if when things of this sort were denounced, inquiry was refused, and if for the sake of any delicacy of feeling towards individuals, they chose to shelter themselves under a legal quibble, and endeavoured to get off from doing that duty which on their hands devolved more than on those of any men, let them be assured that all their pretences for giving equal rights to the Irish people—all their attempts to establish for all men a constitutional equality of privileges — all their municipal corporation bills, and tithe bills, loaded with or emasculated of the appropriation clause, would be so much mockery. They would find, that they had deserted their duty to themselves and alienated, and effectually alienated, the affections of the Irish.

Lord *Plunkett* was understood to say, that he would not take notice of the ridicule of the noble and learned Lord, who was always equally ready to inflict it upon either friend or foe. He should rather go on to notice the merits of the question under debate—a question which had been raised by the motion of his noble and learned Friend, who, if he had carried his inquiries further, would have found, he dared say, much to his satisfaction, but contrary to his expectation, that none of those evil consequences which he had described, had ensued from the arraign having been challenged, because the application to have the arraign set aside had been overruled, and there was not one case which had not been disposed of as if no challenge had taken place. In respect to the appointment of sheriffs, and the charge against the Lords-lieutenant of having acted at variance with the judges, his excellency had declared his intention to make the reports of the judges the rule for the guidance of his judgment in making his elections for sheriff. He held in his hand a letter written by the secretary of the Lord-lieutenant, in which that declaration was expressly made. The question in dispute was, whether it were right to refuse to take the opinion of the out-going sheriff as to the appointment of the new. But that was an unimportant point of the question. The ancient practice was, that the out-going sheriff should return three names to the judge going the circuit, but in regard to that list, the judge exercised his discretion, and made such alterations as he deemed necessary. He then returned the list to the assembled judges in the Chief Justice's chamber, and they also exercised their discretion as to the lists brought before them. Inconvenience, however, arose from this practice, and it turned out in many cases, that names were placed upon the lists of persons incapable of acting as sheriffs, and who could not be compelled to serve, and the Lord-lieutenant therefore required, that a list of three persons should be presented, capable of fulfilling the duties of the office. The Chief Baron had said, that the high sheriff was not only not the proper person to whom to apply for information, but that he was the very last person who ought to be consulted. Now, what was the opinion expressed by the Lord-lieutenant on the subject? In the letter to which he had alluded, it was stated, that his Excellency begged most distinctly to be understood, as not in the slightest degree to question the right of the judge to frame the list on his own responsibility, without consulting any local authority; and it was added, that when such lists so framed were presented to his Excellency, he would consider them with an anxious wish to make them the rule for his final judgment. Now, he would submit to the candour of the House, whether there was anything in that declaration to justify or sanction the charges which had been made against the Lord-lieutenant? It was added, however, that if from want of information an incomplete list should be again returned, his Excellency would, under legal advice, exercise his discretion as to the one or two names that might be returned, and adopt such steps as might be necessary. Now, was that such a declaration as ought to have subjected the Lord-lieutenant to the charge which had been brought against him by the noble and learned Lord? As to the question of consulting the out-going sheriffs, it was stated, by the best authorities on the subject, that such for long had been the practice. In Howard's book, which was published in 1776, it was stated, that the ancient practice was such as he had described it,—namely, that the outgoing sheriff was to frame the list, although the judge on the circuit might afterwards alter it. On the return of the judge, he presented the list to the other judges, and they also had the power to make such alterations as they might deem necessary. He was unwilling to refer to himself, but when he was chief justice of the Common Pleas, he went the circuit, and he would state, that it was the uniform practice for each judge to exercise his discretion in regard to framing the lists. He never considered himself bound to adopt the lists presented by the sheriffs, and he believed it was common for the judges to make alterations in those lists. But the chief baron said, that he never would consent to take his information from the outgoing sheriffs. In this matter, their Lordships had to consider a question of a purely legal character, and he was afraid he should fatigue them by the observations he felt called upon to make. The first part of the question was, whether in point of law, and by any positive enactment, the executive Government of Ireland was prohibited from interfering in any degree with the lists returned? Was there any positive legal prohibition? When that point was ascertained, then the second point for investigation was, how far the acts of the executive were at variance with the law? As to what had been said by the noble and learned Lord opposite, in regard to the appointment of sheriffs, it was to be observed, that his arguments rested on the English enactments of Edward 2nd, and Edward 3rd. Now, he was not disposed to question the value of the arguments of the noble and learned Lord in regard to the effects of those statutes, as they bore reference to England, and it was a branch of the subject on which he should not enter. In England, the power of appointing sheriffs, was originally in the hands of the people, and by the 28th of Edward 1st, the right of the people was acknowledged and confirmed. This system, however, was found highly inconvenient, and it was felt, that it operated to prevent the appointment of proper persons to fill the office of sheriff, and, therefore, the Legislature corrected the system by the statutes of Edward 2nd, and Edward 3rd. But those acts had no binding operation on Ireland, and their Lordships would find, that in Ireland, prior to the passing of those acts, as well as after they had passed, the right of the Crown to appoint the sheriffs was unquestioned. The chief baron admitted the right of the lord-lieutenant on this point, and added, that the right of the Crown had never been questioned. He would take upon himself to say, that in Ireland, both prior to and after, the passing of the acts he had alluded to, down even to the time of the act of the 10th Henry 7th, the Crown had claimed, and exercised the right of appointing the sheriffs in that country. At an early period, a great proportion of the land in Ireland was divided into palatinates, and the palatines exercised the power of the Crown, and appointed the sheriffs. That power was uniformly exercised by the palatines, and not only in the palatinates was that power exercised, but it was exercised also in the counties within the pale; but as to the right or power of the judges, their names were never heard of for such a purpose as the appointment of sheriffs, down to the time of Henry 8th. The distinction was so well known that he hoped that the doctrine would not be considered merely as the doctrine of schoolboys, and of idle pretenders, nor used as throwing a cobweb or film around the subject to mystify it. It was referred to in a pamphlet of sir John Davies, formerly Attorney-general in Ireland, and one of the most learned of the Irish bar; it was, therefore, no new doctrine; it had been laid down again and again. The palatinates were distinguished by the difference between church lands and lay lands, called crosses; and in the lay lands the rights were always exercised by the King. The next question was, whether the Poyning's law had not transferred the statutes to Ireland; and on this point he did not speak with such confidence as on the first part, but still he stated his firm and honest opinion that the English act was never adopted in Ireland by force of Poyning's law. He did not believe, that all the acts in force in England were transferred to Ireland by the Poyning's law; for if they were so, the act intended for a mere local operation would be so transferred. The English acts did not affect the right of the Crown: they only took away from the populace the power of electing sheriffs. In England the Crown had abandoned the right, if ever it had it, which he did not assert; and it was to take away the people's right alone that these acts were passed. But was it, therefore, to be inferred that the English act took effect in Ireland, and that it took away with it the rights of the Crown? From the time of Henry 7th., during the reign of Henry 7th., during the succeeding reign of Henry 8th., and during the reign of Elizabeth, the rights of the Crown were uniformly exercised. At what period, then, did arise the interference of the judges was uncertain. It appeared, however, that after the Restoration the judges did claim the right; but many abuses afterwards crept in, and Sir John Newport some years since, then being a member of the other House, said, that they had arrived at such a height that it was necessary to pass some law upon the subject, and it would, perhaps have been well if Sir John had done so, and Sir Robert Peel agreed to apply a remedy which should shut out these abuses. What abuses did Sir Robert (then Mr. Peel) agree to shut out? Was it the nomination by the Crown? Was it the abuses of the judges recommending the appointment? Was it the abuse of one sheriff recommending his successor? No; it was the grievance of the jobbing of the county members, who thought that they had a right to the favours of the Government, and it was to exclude them that Sir John Newport proposed a bill, and that Sir Robert Peel promised his assistance. That this was the state of the case he would refer to some letters: one was written by Mr. Gregory, and was dated the 10th of May 1816, to Lord Chancellor Manners, in which Mr. Gregory stated, that he was directed by the Lord-lieutenant to desire that he would revert to the ancient practice of appointing sheriffs. It was true that he did not refer to the particulars of that ancient method, but in the letter of Sir Robert Peel, written in October following, to the Chief Justice, in the absence of the Lord Chancellor, in which Sir Robert stated, that he was directed to make known his excellency's wish that the judges should obtain from the sheriffs of counties, and should return, the names of three fit and proper persons to serve the office of sheriff for the ensuing year, and to be delivered to the Lord Chancellor on the morrow of All Souls, it was said that, Sir Robert Peel's letter did not advert to any permanent practice, but Sir Robert Peel had said, that he would apply a remedy to the grievances complained of, and had adopted this method rather than the passing of an act of Parliament. These letters, however, were followed up by the letter of Lord Whitworth, in which it was suggested that the judges, previous to the next assizes, should make an inquiry into the character and property of the persons likely to be appointed sheriffs. These letters exactly pointed out what had been stated by Mr. Howard in his work on the ancient practice of appointing sheriffs; and Lord Whitworth, although he returned to the ancient method, declared that the recommendation of the judges would not be binding. The present Lord-lieutenant did no more, for he expressly said, that he would look to the returns, and that as far as he could he was anxious to make them his guide. Then as to the Lord Chief Justice of the Court of King's Bench, whose opinion his noble and learned Friend thought of so much weight, he had given no opinion as to the practice nor as to the law. The practice had prevailed long before his respected friend was elevated to the bench, he believed in the year 1822, long after Mr. Peel's letter, and he stated the practice at that time truly, not adverting to the opinion of the sheriffs, but stating the way in which the judges met, and how the sheriffs in his time were chosen. The argument of his noble and learned Friend, that the judges did not meet as they ought to have done, was exceedingly comical, and when he laughed he assured his noble and learned Friend that he was not laughing at, but with, him. But he thought that he should be able to convince his noble Friend that the laughter ought not to be all on one side. There was this important difference: in England the judges sat in the Exchequer Chamber, but their sittings were public, whilst in Ireland the judges met in private, no person had an opportunity of being present, and though they discharged their duty most properly, yet they had not the great advantage of hearing the remarks of those interested in the subject. The choice in the open court of Exchequer was absolutely required by the act of Parliament; so far, therefore, the provisions of that act of Parliament had not been complied with in Ireland. Then, again, the chancellor named in the acts of Edward was not the Chancellor of Ireland, but the Chancellor of the Exchequer. It was so admitted on all hands; and in treating this question he was not using quibbling nor special pleading, neither was he drawing film over their eyes; for if the noble and learned Lord's doctrine upon this point were true, the acts had not been in two important particulars complied with; and there had not been one legal appointment of sheriff in Ireland from the 10th of Henry 7th to the present time. The acts of Lord Anglesey and Lord Wellesly had also been referred to, not with the view of attaching any blame for any neglect, or for anything which had been done; but his noble and learned Friend had said, that they did not know the circumstances of these cases under which these lords-lieutenants acted in the exercise of their discretion; but according to the argument of his noble and learned Friend, the lord-lieutenant had no discretion to exercise, and there was no necessity, therefore, for waiting for the particulars of the cases. But another case had been referred to, in the pamphlet to which allusion had already been made, during the viceroyalty of the Duke of Northumberland. In December, 1829, one of the county members had died, and in the January following a violent contest having arisen, in which the son of the chief baron was a candidate, he was returned by a small majority, but was afterwards unseated on petition. A general election was expected, as Parliament was four years old, and it was said, that an honest Government was formed especially to see, that an impartial sheriff was appointed; the Government, therefore, passed over the gentleman nominated by the chief baron, and, notwithstanding the remonstrance of some respectable persons, appointed a Liberal and a Catholic to the office, who was opposed to the Government who appointed him. Here, if at all, the act of Parliament had been violated. The contravention of an act of Parliament by the Government, was a high misdemeanour, for which the Government was responsible. And what had the law officers of the Crown advised in that case? Did they advise, that his Excellency should quash the appointment? No; but they said, that if any law had been violated, it had been done under the circumstances of the particular case, and notwithstanding the reprehension of very respectable gentlemen, the appointment was continued. And did he attach blame to the noble Duke (the Duke of Northumberland)? Certainly not; he wished to defend him and his law advisers, as he had defended his noble Friends, Lords Anglesey and Wellesley for pursuing precisely the same course. The noble and learned Lord concluded by stating, that he was quite ready to share with his noble Friend (the Earl of Mulgrave) whatever responsibility might attach to the noble Earl's conduct in the removal of Mr. Coote, or in the appointment of any of the sheriffs whose cases had been adverted to by the noble and learned Lord in the course of this debate.

Lord *Abinger* said, that he considered a case had been clearly made out for inquiry. Assuming, for a moment, that the executive Government had a right to disregard the usual practice of attending to the recommendation of the judges, and to appoint the sheriffs agreeably to its own purposes, he would ask their Lordships to look at the extreme danger that might arise if such a practice were to grow into common use. It had not yet been stated why there had been a departure in twenty instances from the usual practice. If such a discretionary power were to be left to the lord-lieutenant, what was to hinder his exercising it at a general election? It was true, that some few cases had occurred in England with respect to the appointment of sheriffs with regard to the recommendation of the judges, but the universal opinion of Westminster-hall was, that it was an illegal, and, therefore, an improper act. If ever there was a case that called for inquiry, this was that case.

The *Lord Chancellor* said, that the noble and learned Lord who brought forward this motion, intended to call in question the conduct of the lord-lieutenant, of Ireland, entirely on the ground of illegality. If it were not on that ground, then it was upon the want of discretion exercised in each particular case. Upon those cases their Lordships had no evidence and, therefore, he should confine himself to the question of illegality. From the earliest period the instances were numerous in which the appointment of sheriff was either directed by the executive, or by some person intrusted by the executive to make the nomination. A practice, however, arose of consulting the judges; but there was the greatest possible difference between the expediency of consulting the judges, and the right which was contended for, namely, a right on the part of the judges, by virtue of the statute to nominate the sheriffs. The practice of consulting the judges was quite consistent with there being no law giving them the right to appoint the sheriffs. In Ireland, from 1776, to 1816, that practice was discontinued, and the executive appointed the sheriffs without consulting the judges. In 1816 or 1817, the old practice of consulting the judges, was restored by Sir Robert Peel, who must either have considered that the judges had a right to appoint the sheriffs, or that the practice of consulting them was wholesome, and ought to be resorted to again. But from the terms of Sir Robert Peel's letter to the judges, it was impossible to doubt the view which he took of the case. The object of his letter was to obtain from the going-out sheriffs, the names of proper persons to be appointed sheriffs for the ensuing year. That was the language of a man anxious of gaining information, of restoring a practice, and not of restoring a right. His noble Friend, the lord-lieutenant of Ireland had been blamed for acting illegally. If any discretion had been exercised by him from improper motives, no doubt that would be a subject of serious charge; but the charge against him was for having introduced a system inconsistent with the law. But his noble Friend had shown, that all his predecessors had done the same thing. His noble and learned Friend had considered the history of the law of this country with respect to the appointment of sheriffs as being very clear and free from all ambiguity. Now, he believed, that there was no subject less clear from ambiguity than the laws relating to the appointment of sheriffs. There was nothing in any book or statute to explain how the practice arose of three names being selected by the judges, and then the executive selecting one of those three. It took its origin in the very earliest period, and in all these cases, therefore, custom was the best interpreter of the law; and the fact of its having so long prevailed was the best evidence of its having some legal foundation. The statute of the 9th Edward 2nd, and 14th Edward 3rd, had been referred to, as the foundation of the law in this country with respect to sheriffs. It was remarkable that the latter statute did not mention the puisne judge, while the former did. It had, however, been argued, that both these statutes should be taken together. Let them, however, see what the present practice was. By a statute of Richard 2nd, the persons appointing, among others, sheriffs were required previously to take a certain oath. This oath, in old French, was administered in the Court of Exchequer, on the appointment of the sheriffs, but it was not administered to the puisne judges. It was administered to those who met in that court for the purpose of receiving the list from the puisne judges. The chiefs of the two courts acted in a double capacity, as privy councillors and also as persons receiving the lists on their circuits. If the two statutes stood together, the puisne judges would be as much the persons appointed to select the sheriffs as the chiefs. As a further illustration of this point, he would refer to a decision in 34th Henry 8th, in which it was stated, that the King had not the prerogative of appointing whom he pleased to the office of sheriff. The opinion of the judges was, that the King had done wrong in taking to himself the power to appoint the sheriffs, instead of attending to the recommendation of the judges, and they stated that the sheriff ought to be appointed according to the " tenure of the statute," using the singular number—thus separating the statute of Edward 2nd from that of Edward 3rd. When the meeting took place in the month of November, those who had to take the oath sat on the bench, among whom were the chiefs of the courts, and not the puisne judges, who sat as privy councillors. Summonses were sent to all the privy councillors on these occasions, but none were sent to the puisne judges; they attended, in the execution of their duty, for the purpose of informing the court what persons they had recommended. The title given to this list had been for a century past "The names of those who are nominated for sheriffs by the Lords of the Council;" thus evidently excluding any other than the Lords of the Council, which is consistent with the statute of Edward 3rd, and which, furthermore, is consistent with the fact, that the puisne judges do not take the oath, and who, *quâ* judges, were not the parties to appoint the sheriffs. The practice had been always to consult the judges, who probably were the best channels for obtaining the necessary information. It was stated, that the judges had an equal right to be consulted on the appointment of sheriffs in Ireland as in England. The proof was all the other way. If they were to exercise the same functions in that respect, they ought to take the oaths prescribed by the statute of Richard 2nd. If not, they would violate that statute. The judges in Ireland, in order to perform the functions of the judges of England in this respect, must do two things: they must take the oath prescribed by the statute of Richard 2nd, and they must sit in the Chamber of the Exchequer. Where was there a single trace of the provisions of the statute being enforced in Ireland? It might be asked why? But when a great officer of the Crown was censured for a violation of the law, it ought first to be asked, if that law had ever been enforced. Although it had been proved to be the custom to consult the judges in Ireland on the appointment of the sheriffs, that was perfectly consistent with the fact, that the statutes of Edward 3rd, and Richard 2nd, had never been enforced in that country. That was no reason, however, why the law now should not be made identical in both countries. But that was not the question on which their Lordships were that evening called upon to decide. Even in this country, however, there had been instances in which the Crown, finding that all the three names of persons returned by the judges were unfit for the office of sheriff, remedied the evil by a spontaneous appointment. Under all these circumstances, he did not think, that their Lordships were called upon to enter into any inquiry on the subject. It was evident, that, whatever might have been the practice, the law in England had never been enforced in Ireland. The judges must meet for the purpose in the Exchequer Chamber, with the two heads of the Exchequer, the Treasurer and the Chancellor. The former office had been abolished, and it was not likely that since the union the Chancellor of the Exchequer would give his attendance in the minor country.

The Marquess of *Clanricarde* observed, that the motion directly implied censure on his noble Friend for his conduct with reference to the appointment of sheriff during the last three years. Three noble Friends of his had spoken in direct opposition to the motion, and, of course, he intended to negative it. Now he (Lord Clanricarde) certainly did not think, that there was enough in the facts of the case to justify any censure on his noble Friend. But he thought there was enough to show that the practice with reference to the appointment of sheriffs in Ireland had been for many years loose and uncertain; that it required amendment, and that it was very desirable that that practice should be settled on a wise and constant basis. The law ought to be established in such a way that no lord-lieutenant dare to violate it. If, therefore, the inquiry were to be confined to the state of the law on the subject, to such an inquiry he should be most happy to give his consent, and for the purpose of obtaining that object he would move as an amendment to leave out all the words in the noble and learned Lord's motion after the word "Ireland."

Viscount *Melbourne* said, that if his noble Friend had not proposed the amendment with which he had just concluded, he should. He would not enter into the legal and constitutional views of the question; but it was impossible not to feel that there was a great difference between the practice and usages in Ireland and in this country, with respect to the appointment of sheriffs. It was impossible, however, to believe, that the same law existed on the subject in the two countries. The noble and learned Lord had given a very ingenious account of the matter. He had talked of the old practice in Ireland having been the same as in England until the year 1776, when it was lost, and not revived until Sir Robert Peel became chief secretary. Now he did not believe, that there was the slightest foundation for this statement. He believed it to be all the noble and learned Lord's own fancy and fiction. In fact there was not one of their Lordships, more than fifty years of age, who did not know that it was so. Was it to be believed that such cases of illegality could have gone on with Mr. Saurin, or Mr. Doherty, as attorney-general? It could not be supposed for a moment. It was utterly impossible that, if illegal, the practice of appointing sheriffs by the Crown could have been persevered in in Dublin, in the face of the whole bench of judges, in the face of the bar. He would not further argue that question. But if the inquiry were to be confined to the manner in which sheriffs were appointed in Ireland, to that inquiry he had no objection, and would, therefore, adopt his noble Friend's amendment. He could not, however, agree with a noble and learned Lord, that if the alleged discrepancy were found to exist on the subject between the law of England and the law of Ireland, the sun should not be allowed to set before it was removed. Such post haste legislation it appeared to him to be always desirable to avoid. The motion, conveying an imputation on his noble Friend for his conduct in this matter during the last four years, he felt it to be impossible to concur in; for he believed his noble Friend had done nothing which could not be perfectly justified. But to the amendment, making the inquiry a general one, he was quite prepared to agree.

Lord *Brougham* hoped that no man was less disposed to be hasty and precipitate than himself; but he certainly thought no time ought to be lost in assimilating the condition of the two countries as to the two points in question. Nor could he allow the sun even to rise without protesting against the monstrous doctrine that old acts of Parliament, because they were old, should not operate equally in Ireland and in England; merely because they had been differently construed in the two countries.

Lord *Lyndhurst* had no objection to the amendment. All that he wanted was to remedy the evil.

Lord *Denman* thought it would be extremely desirable to extend the inquiry to England; for the law respecting the appointment of sheriffs in England was exceedingly undefined and uncertain.

Lord *Brougham* was sure that a moment's reflection would show his noble and learned Friend that the extension of the inquiry which he recommended would defeat the inquiry altogether; and, with the greatest respect, he begged to remind his noble and learned Friend, that it was no light matter for a chief justice of England, without looking at the laws on the subject, to state that there was nothing so uncertain as the law in England respecting the appointment of sheriffs. If his noble and learned Friend would look at the authorities from Blackstone to Coke, he would find, that the discrepancies between the statutes of Edward 2nd and Edward 3rd were only like other discrepancies between old statutes, which were corrected by being construed together. He thought, therefore, his noble and learned Friend had better make his proposition respecting England a substantive measure, if he really thought it desirable to send the whole legal question of the appointment of sheriffs to sea.

The Duke of *Wellington* begged to congratulate their Lordships on the conclusion to which they were about to bring this discussion. If the question had gone to a vote he should have voted for the amendment of the noble Marquess; at the same time he was for inquiry, for he agreed that it was fit to put the law on the subject on a certain footing. He thought that the public had great reason to be thankful to his noble and learned friend for the manner in which he had brought forward this question, and the people of Ireland would have to thank his noble and learned friend for putting the high and important office of sheriff on a sure and permanent basis. He would not enter into the question of what the law was, but would remark that his right hon. friend, Sir R. Peel, when Secretary for Ireland, made it a point to put the nomination of sheriffs in that country on the same footing as in England. For many years the system had been acted upon with satisfaction to the Government and the country at large. It was true that the system since then had been more than once departed from, and by more than one lord-lieutenant; but it was most curious that, notwithstanding that the system was laid down by Mr. Peel, and adopted by several lords-lieutenant, even to this day, there was not an understanding between the lords-lieutenant and the judges as to the duties of the latter, the lords-lieutenant insisting that the judges should get their information as to the list from the sheriffs, while the Chief Baron contended that he would get his information from his own sources, and not consult the sheriffs at all. Abuses had crept in from time to time, and their Lordships heard that night that in three years there had been twenty-two cases of appointments of sheriffs with which the judges had nothing whatever to do. In the county of Monaghan one sheriff had been removed because he would appoint a particular sub-sheriff; and the two others on the list had been passed over, and another appointed whose brother had a most important case pending for trial. Such a system as this needed inquiry and amendment.

The Duke of *Richmond* hoped, that if the committee were appointed they would meet daily until they were able to report on the whole question. Let him add, that the mode of appointing sheriffs in England was far from satisfactory. In Ireland the office of sheriff was much sought after. In England country gentlemen wished to avoid it. The judge who was to collect the information as to the qualification of parties whose names were on the list had so many important duties to perform on the circuit that he had to rely for his information principally on the under-sheriff, and with that functionary in many counties the appointment virtually resided. He said on many occasions to parties who applied to him in order to escape from having their names on the list, "Go to the under-sheriff and pledge him your word that if you are elected you will not appoint him, and then you will have a fair chance of escape." What he would say with respect to the inquiry was, to get a good system in Ireland, and then it would be easy to extend it to England.

Motion as amended agreed to and committee appointed.

HOUSE OF COMMONS,

Monday, June 25, 1838.

Minutes.] Bills. Read a first time:—Grand Juries Presentment (Ireland); Dublin Police Arms (Ireland); Municipal Boundaries (Ireland).—Read a second time:—Turpentine Penalties.—Read a third time:—Party Processions (Ireland); Dean Forests; Mines and Encroachments; Slave Vessels Captured.

Petitions presented. By Mr. Gillon, from the Associate Synod of Scotland, for the Total and Immediate Abolition of Negro Apprenticeship; from the Associate Congregations of Falkirk. Alnwick, Avon-bridge, Overgate, Dundee, Norham, Lanark, and several other places in Scotland, against any further Endowment of the Church of Scotland.—By Mr. Gillon, from Linlithgow, by Mr. Pigott, from Bridgenorth, and by Mr. Divett, from the Merchants, Bankers, and Inhabitants of Exeter, for a reduction in the rates of Postage.—By Mr. W. Evans, by Mr. Lowther, by Mr. Brownrigg, by Lord G. Somerset, and by Sir Robert Peel, from various Railway Companies, against the Mails by Railways Bill.—By Mr. Lowther, and by Mr. Plumptre, from Inhabitants of London and its vicinity, against any further Grant to Maynooth.—By Mr. Plumptre, from Upper Chelsea, and from Blackheath, to prevent Sunday Trading.—By Mr. F. French, from the Surgeons of the city of Cashel, Queen's County, and the county of Down, in favour of the Medical Charities (Ireland) Bill.—By Mr. R. Ferguson, from Anstruther, against any further Endowment of the Church of Scotland.—By Sir G. Strickland, from the Guardians of the Poor of the parish of Halifax, for an alteration in the provisions of the New Poor-law.—By Sir E. Knatchbull, from the Lessees of Ecclesiastical Property in East Kent, to protect their rights.—By Mr. Pease, from the Waterford Steam Navigation Company, for exemption from Municipal Taxes on Coals.—By General Johnson, from Leeds, and from Oldham, against the alteration of the existing law regulating Mills and Factories.—By Mr. T. Egerton, from the Clergy of Chester, against Clauses of the Benefices Plurality Bill.—By Mr. Corry, from Armagh, against the Medical Charities Bill.—By Mr. Hume, from Carnwath, Lochwinnoch, Leven, and other places, against the renewal of the Patent of the Queen's Printer in Scotland.—By Mr. Labouchere, from the Roman Catholic Bishops, and others of Lower Canada, deprecating the late disturbances in that Colony, expressing their gratitude for the conduct of the Earl of Gosford as Governor, their Loyalty to the Throne, and attachment for the connexion with the mother country, and praying that in any measures passed by this House with relation to the Colony, respect would be shown to the rights and privileges secured by the treaty of Quebec in 1791 to the descendants of the French population.—By Lord Ashley, from the Archdeacon and Clergy of the Diocese of Norwich, for all Church Property to be applied to Ecclesiastical purposes.—By Sir G. Sinclair, from the Trades' House, Glasgow, against the Scotch Burghs Bill.—By Mr. Harvey, from St. Saviour, Southwark, against the Poor-law Commissioners.—By Sir F. Pollock, from the Clergy of the Archdeaconry of Lincoln, not to sanction any system of General Education not in harmony with the principles of the Established Church.—By Mr. Pakington, from Hexham, and from a parish in Northumberland, for protection to the Church in Canada.—By Lord Ashley, from Leeds, in favour of a Ten Hours Bill.—By Mr. Sergeant Jackson, from the Shareholders in the Waterworks of the city of Cork, against the injustice that would be done to them by the Municipal Corporations (Ireland) Bill.

Municipal Corporations, (Ireland.)] The Order of the Day for the third reading of the Municipal Corporations (Ireland) Bill having been moved by Lord J. Russell, and the question put that the bill be read a third time,

Lord *F. Egerton* said, that it was with much regret he rose to interpose any obstacle between the motion of the noble Lord and its acceptance by the House. He said, that he rose with great regret for the purpose of opposing that motion upon the part of the noble Lord, because among those who, in the earliest stages of the discussion upon this important measure, which now stood for a third reading, had indulged a warm and eager expectation that those who set at his (Lord F. Egerton's) side of the House might be able ultimately to give their assent to the measure proposed by the Government, there was no one hon. Member whose hopes had been warmer than his own; as at no time could any hon. Member have been more reluctant than himself to take this course of opposition with regard to any measure, whether proposed by her Majesty's present Government, or emanating from any other quarter to which he could give his conscientious support. But the measure as it stood at present, was one which he felt himself constrained to meet by as direct a negative as the forms of the House would permit. He was quite aware, that in adopting this course he might expose himself to the imputation, not perhaps of any lurking desire to prevent the adjustment of those differences upon this subject which had long divided the parties of which this great empire was composed, but, at least, of some indifference towards those considerations, the attainment of which was so warmly desired, and respecting which so unanimous a feeling existed amongst hon. Members at both sides of the House. But he was one of those who, from the commencement of these discussions, had concurred in the views which were explained by his right hon. Friend near him (Sir R. Peel), and he saw no reason now to alter his opinion. Called on, then, as he was, to reject or accept the measure in its present shape, he ventured to come forward to explain to the House why he felt, and he deeply regretted the impossibility, that he could not vote with the noble Lord on the present occasion. When his right hon. Friend had consented upon certain conditions to give not only his assent, but his assistance and co-operation to her Majesty's Government upon this subject, the first and principal condition laid down, was the plain proposition of a ten pounds voting franchise, to be tested by rating. Upon this subject he must take the liberty of saying, that the understanding clearly was, that a property qualification should be adopted—that species of qualification on behalf of which all but the advocates of universal suffrage were arrayed—the same species of qualification, he would also observe, which had been adopted by the framers of the Reform Bill, the authors of the present measure. It was then to be a *bonâ fide* property qualification. In deciding in his own mind on the necessity of having a genuine qualification of this description, as the condition of conceding the municipal franchise, he had not at all inquired as to what would be the religious opinions of those in whom that franchise would probably be vested. It had not been a question with him, however, it might be with others, whether those parties were Catholics or Protestants. He had done the Catholics what he hoped and believed was the justice of conceiving that a higher standard of education would produce amongst them greater independence and enlightenment of mind. He had not, therefore, inquired what might be the particular effect of this measure with regard to the distribution of power among the different religious sects. But he would adhere steadily to that property qualification, without distinction of religious persuasion, with which they had set out, of a ten pound franchise, to be ascertained by being rated under the Poor Law Bill. Did the bill which was then before the House contain any such qualification? Why, the bill lying upon their table was perfectly free from every shadow of a concession to this primary condition laid down by the right hon. Baronet for the guidance of her Majesty's Government. He (Lord F. Egerton) felt himself, therefore, compelled to adopt the only course which he could consistently pursue. He did not say, that it was the only one which the forms of the House would permit him to adopt, without directly consenting to the third reading. He would not adopt a course which might have less appearance of candour, but which he believed the forms of the House would permit—namely, to move a temporary postponement. To any proposition of this nature, his answer would be, that he believed that any prospect of conciliation by this means, would be vain, and any attempt at adjustment fruitless. Still less was he capable in this stage of things, of relying on the exertions of any other body, forming a portion of the constitution to repair what he considered to be the inherent and vital defects of this measure. He thought, that when a Member of the House of Commons was dealing with a subject of this magnitude, such a course would be inconsistent with his duty, and would expose them to inconvenience in matters of the greatest moment. He thought it more fair and candid, as well to hon. Gentlemen opposite as to hon. Members behind him, to adopt the course which he now adopted, of moving that the bill be read a third time at a later period. The differences between the framers of the bill and those with whom he had the honour to act, appeared to him, as the bill now stood, to be of the greatest magnitude. A reduction in the amount of the franchise was proposed to the extent of fifty per cent. In any mercantile transaction this would be considered a most formidable and almost insuperable obstacle. But this proposition of the noble Lord for the reduction of the qualification from 10*l.* to 5*l.* was not the only one in the course of the discussions upon this question from which he felt it necessary to dissent. " Give us the Scotch Bill," said that hon. Member; " give us a 10*l.* qualification untested by rate." His objection to this proposition was, that he could never consent to leave the value to the oath of the claimant. [*Hear.*] The hon. Gentleman told them, that if they declined to give them the Scotch Bill, they insulted Ireland. The cheers of the hon. Gentleman proved, that he (Lord Egerton) had at least not overstated the hon. Gentleman's argument. Now he positively disclaimed the remotest intention of offering either insult or injury to Ireland. The hon. and learned Gentleman had very recently, in the debate upon the Factories Bill, got up in his place and stated, that the Factories Bill was a dead letter in Glasgow, and elsewhere in Scotland. He put it to him, whether it could have become so without falsification of certificates and perjury. Was not this substantially offering the same insult to Scotland? And how could the hon. Member with any degree of consistency repeat the charge of insult, when their only object was to get rid of a system which, as was in evidence before the house, had led to a similar amount of perjury? Had any Scotch member thought it necessary to get up for the purpose of repudiating that insult? With regard to the question of a test, there could be no doubt, from the spirit in which the Scotch bill was framed, that had a poor law existed in Scotland the rating test would have been adopted. He had now stated the main point of the bill, but he felt bound to say, that there were others which rendered it equally impossible for him to pursue any other course than that which he proposed. He had said, that not one of the stipulations of his right hon. Friend had been met by the smallest concession on the part of the noble Lord opposite. The most important stipulations, no doubt, regarded the amount of the franchise, but there were also others to which he should advert. With regard to the franchise itself, he must say, that now, after so many discussions upon the subject, they found themselves in a worse situation than they were at first. During one of those discussions the noble lord had avowed himself prepared to give a 10*l.* franchise, without the rating, he believed, first in seven, and afterwards in eleven, of the towns stated in the bill. But they had now an uniform 5*l.* franchise, notwithstanding the noble Lord's proposal. There was another stipulation, secondary only in importance to the franchise, and which had reference to the compulsory obligation upon the towns in the second schedule of receiving this bill, and being submitted to its operation. With regard to that compulsory enactment, which affected thirty-six towns, all of which, for aught he knew, might be very anxious for this bill, he thought there were very serious and solid objections. He objected also to the manner in which the police powers were vested. It would appear, on the general principle, that those powers should be given to the town-council, but they might under this bill be vested entirely in the executive Government. Then, again, nothing could be more unreasonable or inconsistent than the watch clauses in this bill, to which his right hon. Friend had objected. The other night, too, the noble Lord opposite, in answer to a question respecting the manner in which the local taxation would be made, said, that it would be regulated upon the principle of the Irish act of the 9th of George 4th, implying thereby that it would be established upon a graduated scale, varying according to the presumed income of the party. Now, in the thirty-six towns to which he alluded under this bill, those who would be taxed at 1*s.* in the pound would be at the mercy of those who paid a higher rate. That was another point which hon. Members on his side of the House conceived to be open to very great objection. Now with regard to the subject itself, whether considered there or in the other House, it certainly had been stated, that the main condition on which that (the Opposition) side of the House, or those acting on their principles, would assent to a settlement of this question was the previous disposal of a bill immediately concerning the Irish church. The non-settlement of that question, he confessed, likewise placed him in a situation to withhold his assent from the motion of the noble Lord. The Irish Tithe Bill was, he believed, read a second time the other night but it was read without the cognizance of the House, or, at least, of a great portion of it. In conclusion he could only say, that in opposing the third reading of this bill, he still retained unimpaired the warmest desire to see this great question brought to an amicable adjustment. He retained the wish to give to the majority of towns in Ireland municipal corporations, that was to say, provided that they expressed a desire for them. But he unhesitatingly said, that he did not wish to make it compulsory on those towns to place themselves under the operation of this bill if they were not so disposed. Under these circumstances, he felt it impossible to do otherwise than he had already intimated. He should, therefore, move that this bill be read a third time that day three months.

Mr. *Emerson Tennent* in seconding the motion said, he regretted that the course which had hitherto been taken upon this bill had only tended to "cloud that prospect" which had existed at an earlier part of the session of coming to a final settlement of this question. Whilst he regretted this, as tending to perpetuate one of those fertile topics of agitation, and to prolong the animosities which had been kindled regarding it, he could not, so far as the intrinsic merits of the question were involved, feel much concern at the prospect of its being postponed for another year, or even for a longer period. He felt perfectly satisfied that the delay which had already taken place upon it had been productive of the very best results; its effects had most amply confirmed the repeated assertions made by himself and his friends, that the people of Ireland were utterly indifferent on the matter. It had given them time to investigate the proposition — to inquire what those municipal institutions actually were, and how far they were suited to their wants; and he had no hesitation in saying that, the conclusion at which they had arrived was one, if not of hostility, at least of absolute indifference to their introduction. If the contrary was asserted, where was the proof of it? Where were the expressions of a different opinion? Where were the petitions in favour of it? In former years, whilst the agitation was brisk and the question little understood, the table of the House had literally teemed with them; but this year, after three sessions' discussion, there had not been presented above seventy with about 32,000 signatures in all. It had been upon this conviction alone, upon the grounds of their vexatious cost and absolute inutility, that he had all along opposed the introduction of corporations into Ireland. His opposition to the bill had neither arisen from religious prejudices nor political apprehensions. As to the 10*l.* franchise, which had always hitherto been proposed for the large towns, he felt no alarm for its operation, under proper regulations; he felt that a *bona fide* 10*l.* qualification would insure a municipal body endowed with sufficient property to insure their prudence in its protection, and sufficient intelligence to protect them from abusing their powers for factious purposes. Besides this, he did not, after all, apprehend that these bodies would be quite so democratic as their advocates seemed now to anticipate. It was the natural and inevitable tendency of the possession of power, but, above all, of the responsibility of power, to make those who held it more or less Conservative; and he had little doubt, that it would soon be perceived in these municipal bodies, as in other similar constitutions, that those who had been liberal of promises to obtain authority, would soon discover an unwillingness, as well as an inability, to go all the lengths that their supporters had expected from them. His objections to the bill, as it now stood, wholly apart from all political considerations, but arising solely from the injury which he believed it would produce inevitably to the peace, the good order, the comfort, and prosperity of the towns of Ireland, were sufficiently strong to compel him to vote against its being read a third time. It was unnecessary to say, that the bill, as it had now left the Committee, was, with reference to the grounds on which Gentlemen on his side of the House had assented to a settlement of the question, the most objectionable which had yet been introduced. It contained every single provision which they had condemned in former years—it embodied no one suggestion from the plan proposed by the right hon. Baronet (Sir Robert Peel); and in addition to all this, the extent of the franchise (which was, after all, the vital principle of the whole measure), so far from having been securely defined at an ascertained instead of an uncertain amount, had, in the seven great towns of Ireland, been reduced from a 10*l.* to a 5*l.* qualification. It was impossible, under these circumstances, to imagine that those who had resisted the bill in former years, could possibly assent to the passing of the present one. He had likewise understood from the noble Lord opposite (Lord J. Russell) that the system of rating would be an uniform poundage upon all property, whilst the bill, as it now stood, introduced the graduated scale, by which, whilst the vote of a *5l.* householder, who would always form the vast majority, was of equal value with that of the wealthiest banker, his taxation would be but a mere fraction in comparison, and thus the entire revenue and economy, the entire taxation and expenditure, of large towns, like Dublin and Belfast, would be virtually in the hands of the *5l.* majority, to the practical exclusion of the wealthier portion, who were nevertheless to bear the real burthen, and be taxable at their command. He would not enter into a discussion on those other points and provisions of the measure which were of a political complexion, and which had been already so often and so thoroughly dilated upon. What he wished, in assenting to any municipal bill, was, to see a purely municipal institution established in each town that required it or wished for it; and he concurred, that the efficiency and simplicity of this would be infinitely diminished by the provisions made in the bill as it now stood, imposing, as it did, upon the council duties connected with the police and the constabulary, the appointment of sheriffs and coroners, and salaried magistrates, and all the other functions connected with the administration of justice. He did hope yet to see a bill passed by which those duties would be transferred to more expedient authorities, and its provisions confined, as had been proposed by the right hon. Member for Tamworth, to the purely municipal government of the Irish towns. There was one portion of the plan proposed by the right hon. Baronet, and one only, from which he dissented, and that was the compulsory enforcement of these corporations upon eleven great towns, and its optional offer to the remainder. What he would have preferred, would have been an option given to the whole, and power to any community to reject it, if they so thought fit. As it now stood, he (Mr. E. Tennent) felt convinced, that corporations would be forced upon many towns which would be most unwilling to adopt them, but who would be left neither a choice nor an alternative, and amongst these was the town which he had the honour to represent—the town of Belfast. The bill, as it now stood, would be productive of the most extraordinary confusion and difficulty, not only in that town, but in others with which he was acquainted which were similarly situated. The House would remember, that Belfast, like many of the other great towns in Ireland, though having a nominal corporation, had long since superseded it, and were now governed by local acts, under which efficient governing bodies were annually elected, taxes levied, and all municipal duties performed. Now the present bill, whilst it established a new corporation in each of these towns, did not profess to repeal those local acts or to abolish the system at present in operation under them. The result of this would be, that we should have in those towns two rural systems in active operation, two sets of officers, one corporate and one local, and two systems of government, and in some cases not only two but actually four or five different systems of rating and leasing all in force at the same moment in the same community. To illustrate this, he would take the individual case of Belfast. By the bill, as it was now framed, they would have a corporation actually forced upon Belfast; but as they did not repeal the existing local acts (the 40th and 56th George 3rd), they would actually leave to that corporation, when duly elected, scarcely one single function to perform. The new corporation would have nothing to do with the harbour—that was already placed under commissioners by an act not to be repealed. They would have nothing to do with the charitable funds and estates—that also was under a second act, which was not to be altered. The paving, lighting, and watering, were now performed by a board popularly elected under a third act, which was not to be effected, and these duties again, unless with the wish of the commissioners themselves, they were not to interfere with; and the only solitary function left to them would be the watching of the town, which, by the bill, would be handed over to them compulsorily. Thus, in the great town of Belfast they would have a corporation chosen and elected with vast trouble and expense, and a whole host of salaried officers for no other purpose than to manage a night watch, which was now efficiently conducted by a board of commissioners, who gave their services gratis. But the confusion would not rest here. They would have in Belfast no less than three different systems and scales of rating and taxation. In the first place, for the election of burgesses and officers, they would have the rating under the poor-rate;

secondly, for paving, lighting, and watching, they would have the present assessment by the existing valuators; thirdly, for the municipal taxes and support of the watch they would have the graduated scale under this bill; and to crown the confusion, they would have the town assessed for the watch-rate under the one system, and the rural district for the same purpose under another. He was unwilling on such an exhausted topic to weary the patience of the House by any lengthened strictures—those he had made he offered in no spirit of faction. When it had been resolved upon by both sides of the House that municipal institutions should be granted to Ireland, he had felt an anxious desire to render those bodies as efficient for the purpose as it was possible, disencumbering them of every unnecessary or pervertible function. He regretted, that on these details there had not been a greater unanimity in the House; but whilst he sincerely hoped, that at some future period they would have a measure at once practicable and safe with a prudent qualification and well-defined duties, he could not possibly vote for the present bill, defective as it was in all these particulars, and fraught as he believed it to be, with injury to the peace, the social order, and internal prosperity of the towns of Ireland.

Mr. *B. Wall* said, that in the vote which he intended to give, he wished to have it understood that he did not entertain the remotest idea of going over to the other side of the House. The only instance in which he intended to support the Queen's Government was on the present question. Neither on the hustings nor in Parliament had he ever said otherwise than that Ireland ought to have a full and complete measure of corporate reform. He had always considered, that it was a measure too long delayed, and he had, whenever an opportunity offered, expressed that opinion. To him it appeared that the House of Commons was not then assembled for the purpose of driving a hard bargain; he had not come for the purpose of seeing how little would suffice, but how much he could safely agree to give. He had, humble as he was, made sacrifices for Ireland; he had lost his seat at one election on account of the sentiments he expressed on the Roman Catholic question. On the subject of corporate reform in Ireland it did evidently appear, that nothing could be more unjust than that in the poorest country there should be fixed the highest franchise. It had been said, and most truly said, that we wanted information on the state of Ireland; there could be no doubt that statistical information was required; but in the absence of that information he desired to give the benefit of the doubt which he entertained to the more full and liberal measure. He was aware in the present state of parties of the extreme difficulty of getting at the truth; but though the noble Lord might think it right to consult the feelings and opinions prevalent in another place, still he must be aware that full justice ought to be done to the country. It was not to be supposed that a body so intelligent and so independent as the House of Lords would eventually refuse to do that which was consistent with the true interests of the community at large. If asked, for which franchise he should vote, he did not hesitate for a moment to say that he should prefer a 5*l.* franchise. He regretted, that from that side of the House (the Opposition) there had not proceeded some measure of compromise; but as matters stood, entertaining the opinions which he did, he could not do otherwise than support the Government on this occasion, for he felt it to be essentially a Conservative Government. He could not bring himself to believe in an eternal crisis. He might hear of the Church being in danger, or the Lords being in danger, but to talk of a 10*l.* franchise being one of the institutions of the country, was utterly absurd. On matters of mere detail he did hold himself at perfect liberty; and for his part he was unable to comprehend how people could talk of making a stand on the 10*l.* franchise. He repeated his right to exercise his judgment freely on matters of detail, and declared his intention to vote with the Queen's Government on the present question.

Mr. *H. Grattan* congratulated the House on there being in the Opposition one honest man at least. He had heard more than one right hon. Gentleman who had filled the office of chief secretary to the Lord-lieutenant say, that the only thing wanted to preserve our Protestant Constitution was, to keep the Catholics out of Parliament, and yet the same individuals supported the Catholic Relief Bill, and now told them a 10*l.* franchise was essential to the preservation of the British constitution. The Irish would not give up one iota of their rights. They did not require more than the English or Scotch, but they would never be content with less.

Lord *Elliot* had thought the proposition of his right hon. Friend (Sir Robert Peel) by requiring a rated value higher than the real value of the qualification, was more than they professed to exact. He even thought that a lower qualification than had been proposed might have been adopted. Nor did he think, that the security of the Protestant Church depended on the composition of municipal corporations in Ireland. But when he looked at the bill as it now stood, he found that the Government had not in any degree modified their proposition. All parties agreed, that an alteration should be made in the system of municipal corporations; all parties agreed that a 10*l.* *bonâ fide* qualification was the fair and reasonable point at which they should meet, and the only difficulty was as to the way in which it should be tested. The Government did not think themselves justified in declaring that the 5*l.* qualification was advisable; he had, therefore, a right to expect that they would act on their own opinion. There was considerable difficulty in obtaining accurate statistical information on this subject with reference to Ireland; but it was said, there was a difference in the Irish towns of twenty-five per cent. between the rated and real value. He drew from that fact, however, a different conclusion from what was drawn from it by hon. Gentlemen opposite. He had hoped some modification would have been made by Government, so as to secure a *bonâ fide* qualification, which, not having been done, he was driven to the alternative of voting against the third reading of this bill.

Viscount *Morpeth* had hoped, after the course which this measure had taken in preceding discussions, and especially after what he flattered himself were overtures and approaches to conciliation, tendered by right hon. Gentlemen opposite, that, on the third reading, they would not have had to encounter a motion for its absolute and final defeat. The question they were now called on to determine was, whether they should ratify and confirm the opinion that Irishmen should be debarred from privileges of which Englishmen and Scotchmen were in the full enjoyment, or whether this question should be bequeathed as an irritating legacy for future sessions. His noble friend (Lord John Russell) was willing to enter into any adjustment; but the raising of the franchise was one of those points he could not yield. He was willing that the franchise should be the same in Ireland as in Scotland—a 10*l.* qualification free from the test of rating; or as it was in England, simple roting to the relief of the poor; but then it would be impossible for the next two years to carry the latter into effect in Ireland. At all events, he was not prepared to take away so much of the Scotch proposition as would raise the qualification to 10*l.*, and so much of the English as fixed the test of rating so as to combine the aggravations, and give to the poorest country the highest franchise. Ministers did not consider themselves irrevocably bound to the 5*l.* qualification; they declared themselves ready to listen to any fair and reasonable suggestion which would have the effect of ultimately securing the success of the bill; but although abundant opportunities had been given, no such proposition had been made. There was no approach to an arrangement on the other side, and they, therefore, did not think themselves warranted in departing from the 5*l.* franchise, which tested by a rating would, he really believed, come up to a *bonâ fide* 10*l.* qualification. In reply to the observation from the noble Lord who opened the debate, he must observe, that since his connexion with Ireland, he had been unable to trace any unwillingness in the inhabitants of the towns of that country to be encumbered with this franchise. An hon. Gentleman opposite had said, that the town of Belfast would have been brought under the compulsory operation of this bill, and that the inhabitants preferred their present system of local government. Without entering into any examination of the accuracy of that assertion, he would merely observe, that, even if such were the case, there was no other town in the whole of Ireland which would have any objection to receive a municipal government formed upon the same principles as the corporations now existing in England and in Scotland. The question then before the House was, whether it would pass an act, placing the municipal corporations of Ireland under the same principle of popular control to which the municipal corporations of England and Scotland were now subject, or whether it would hand over this bill to another session, and leave to this House the pleasant legacy of renewing once more these acrimonious and irritating discussions. He hoped that hon. Gentlemen, after the expectations of Ireland had been so raised, and after the people of the three countries had begun to think, that we were at last coming to the end of these vexatious and angry discussions — he hoped, he said, that hon. Gentlemen would not let them hear, that the House of Commons was prepared to retrace its steps, and to come back to a vote which would place a brand of inequality on the sister country of Ireland. No, he hoped, that they would pursue a more manly, a more generous, and a more conciliating policy. They could take no course which would tend so much to make the union between the two countries a union of feeling, of heart, and of understanding, and not a mere union of form, of parchment, and of statutes.

Sir *Robert Peel* was induced to rise at that period of the debate—which, under the present feelings of the House, he could not call an early period of the debate—partly on account of its apparent unwillingness to enter into any protracted discussion on matters which had been so long and so frequently discussed, and partly owing to his wish to avoid adding to the irritation already existing by refraining from all topics by which irritation might be excited, and which he hoped would be eschewed as much as possible during the remainder of this debate. He had already obtained this admission from the noble Lord opposite, that he (Sir Robert Peel) had made proposals for the adjustment of this much-litigated question, respecting which parties in Ireland were much divided, and respecting which, the House of Commons and the House of Lord had taken different views during the last three sessions—he had already, he repeated, obtained an admission from the noble Lord opposite that he had made proposals for the adjustment of it, which, except in one respect, were not inadmissible. He had proposed terms on which he thought there was a reasonable prospect of adjustment. Every one of them had been accepted, save one, and that related to the amount of the franchise. That admission of the noble Lord he considered to be a decisive proof of the spirit in which his offer had been made. Would any man last year have believed, that it would be possible this year to have offered terms of arrangement on this question—terms which Ministers had no reluctance to accept, and to which no valid objection could be made, save as to the amount of the franchise. [*Ironical cheers from Mr. O'Connell.*] Before hon. Gentlemen received that observation with a sarcastic cheer, he hoped that they would permit him to vindicate himself with respect to that particular proposition. He had already called the attention of the House to the admission which he had obtained from the noble Lord opposite; and it was with great pain and reluctance, that he then found himself in a situation in which he had no other alternative but to vote against the third reading of this bill, consistently with the course which he had pursued, with the principles which he had maintained, and with the expectations which he had held out to the counrty—expectations which it was necessary for him to hold out, in order to procure the assent of many who were conscientiously opposed to the bill. Was the noble Lord surprised at the course which he was pursuing? If the noble Lord was surprised, he ought not at any rate to be, for the terms which he had proposed were, according to the noble Lord himself, admissible, and yet not one of them had been accepted. To his terms the noble Lord, he once more repeated it, had acceded; and yet, strange to say, the bill then before the House did not contain a single one of those terms. With the respect, then, which he felt for the House of Commons as an independent branch of the Legislature, ought he to entertain the expectation that the modifications which he wished to introduce into this bill would be made in the other House of Parliament, and ought he to pass this bill in the hope that its objectionable parts would be amended elsewhere? No; the course which he should take was, to consider this bill on its abstract merits; and being of opinion, that it ought not to pass into law, he could not reconcile it to himself to let it pass here, in the hope of having its objectionable parts abated elsewhere. If, in the general enactments of the bill he had concurred, and had only differed from the supporters of it on matters of detail, he might have been justified in pursuing a different course. But the question which he felt bound to ask himself was, "Am I ready to accept this bill as it now stands as a settlement of this much-disputed question?" And it was because he was compelled to answer that question in the negative, that he must, from respect to the House, and also from respect to himself, now give his vote against the third reading of this bill. He might have opposed the third reading of this bill upon other grounds. After the declaration which the noble Lord had made on a former evening upon the course he intended to take in bringing forward the public business, he had had a right to expect, that the third reading of this bill would not have been proposed until the course which the House intended to adopt on the second reading of the Irish Tithe Bill was known. The noble Lord had already adjourned the stage of one of those bills, in order that a discussion on the other might precede it. The House had not as yet gone into Committee on the Tithe Bill. It was already threatened with a discussion on the appropriation clause. It did not know what decision a majority might come to either upon that clause or upon the principle of the Tithe Bill itself, and yet the noble Lord proposed to take the third reading of this bill before he proposed to enter into the Committee on the Tithe Bill. That was a departure from the course which the noble Lord had promised to take. Even if he had approved of the provisions of the Irish Municipal Reform Bill, he might have asked for the delay of a fortnight before proceeding to the passing of it, in order to make himself more fully acquainted with the provisions of the Tithe Bill. Yet that course he could not prevail upon himself to take; for it would imply, that, if the decision on the Tithe Bill was satisfactory to him, he would be prepared to support the Municipal Reform Bill. In so doing he would be raising an expectation, that his opposition to the Municipal Reform Bill was only a transient and temporary opposition. Now, such an expectation, though it might be calculated to catch some fleeting popularity, he would not countenance for a single moment; because it must ultimately prove to be delusive; and such being his determination, he would now proceed to state the grounds on which he objected to the present motion. After the admission which he had already obtained from the noble Lord, it was not necessary for him to enter into more than a few details of this bill. In attempting to settle this question, he thought that it would not be satisfactory if he did not assume at once with regard to the great towns of Ireland, that their government by means of municipal corporations would be in conformity to the general wishes of their inhabitants. And yet an hon. Friend of his, representing the large and opulent town of Belfast, and speaking the sense of many of his constituents, said, that he could not assent to that proposition, inasmuch as most of his constituents would rather remain under their present local Government than be placed under that which was proposed in lieu of it. He had been aware of that objection; but he had told his hon. Friend, that he could not make an exception in favour of Belfast, which must be subject to the general rule. With respect to the other towns of Ireland, the noble Lord opposite had admitted, that he considered it to be no insult to them to let them decide whether they would have municipal corporations or not. He had stated distinctly to the House, that in all cases where the towns refused to have municipal corporations, he would have the corporation property managed by local commissioners elected by a popular body. He believed, that the hon. and learned Member for Dublin had publicly acknowledged that, as to his proposals of all parts of the bill, excepting the franchise, he saw nothing to which he could reasonably object. [Mr. *O'Connell* dissented.] Then, he had misunderstood the hon. and learned Gentleman; but, at any rate, the noble Lord had asked "Why did you not attempt to amend the bill in Committee?" To that question he would reply by stating, that he had attempted to amend it there. He had made a proposition against the *5l.* franchise. He found that the bill contained a 10*l.* franchise for seven large towns, and a *5l.* franchise for the remaining towns. He told the House, that so far as the Parliamentary franchise was concerned, uniformity of franchise was the rule in all the three countries, and that it was the rule in England and in Scotland so far as related to the municipal franchise. He had proposed that the same rule should be applied to Ireland. That was no insult, he supposed, to Ireland, for the noble Lord had himself adopted the proposition. He had also proposed the principle of rating. That was no insult, he supposed, to Ireland, for the noble Lord had adopted that proposition also. The uniformity of the franchise and the principle of rating were then no insult to Ireland, for both propositions had been adopted by the noble Lord. The insult to Ireland, then, consisted in attempting to fix the amount of the franchise. He had been defeated in his first attempt to negative the *5l.* franchise. He thought that a deduction of 50 per cent. from the original proposal was a most enormous and unjustifiable reduction. The sense of the House was taken upon it, and the House resolved that the 5*l.* franchise should be insisted on. He determined not to act upon a feeling of temporary pique, and, therefore, after some time had elapsed, he repeated his proposition that 10*l.* should be the amount of the franchise, and not 5*l.* The House again repeated its former resolution. Finding, that the sense of the House was thus decidedly against him, he did not propose any alteration in the details of the bill; for he felt, that no such alteration could reconcile him to the principle of the bill, and that he should only be practising a delusion if he proposed amendments on minute details, which would not obviate his objections to the bill itself. Another reason why he had not proposed amendments on the details of the bill was, that if he had proposed them, and if the House, after a formal division, had rejected them, that would have been an objection, but not, he confessed, an insuperable objection, to the adoption of them, subsequently by the House, in case they were proposed and carried elsewhere. His conduct, therefore, in abstaining from proposing in that House, any amendments on the details of the bill, was perfectly reconcileable with a desire of bringing this disputed question, to an amicable settlement. He had now answered every objection, which had been offered, to the conduct which he had pursued, except those which related to the amount of the franchise: and on that subject, he wished to place his views distinctly on record. In establishing municipal corporations, it became necessary to establish as a condition precedent, a certain amount of franchise. You take the possession of a house, of the yearly value of 10*l.* as the amount of the franchise. He conceived, that the franchise meant this—that you required that the house or tenement, which entitled the possessor to the elective franchise, should be worth 10*l.* a-year to a solvent tenant, the tenant paying all rates and charges upon it; in other words, you require that the occupying tenant should pay all rates and charges upon his house or tenement; and that, after he has paid them, he shall occupy his house or tenement, for a certain definite time prescribed by the Act of Parliament, and that his house, after he has paid all rates and charges upon it, shall be worth to him the sum of 10*l.* That was the Parliamentary franchise in England and in Scotland, and he found, that they had adopted the same Parliamentary franchise for Ireland also. In the Reform Act for Ireland, there were words introduced, which were not to be found in the Reform Acts for England and Scotland. The object of these additional words was, to make the intention of the Legislature still more clear and intelligible. The Legislature required, that, for the Parliamentary franchise in Ireland, the house occupied by the voter, should be *bonâ fide* of a value not less than 10*l.*; it also required that the occupation should be for six months before the registration, and that the occupant should have paid all taxes, rates, and grand jury cesses imposed upon it. He had been taunted with introducing the words *bonâ fide* but those words were not his; they were the words of their own act of Parliament. They made no difference as to intention. He looked to the Scotch Act which determined the Parliamentary and the municipal franchise, and he found, that it had been agreed, that, both for the municipal and Parliamentary franchise, the same principle was adopted, that the voter should occupy a house of the clear yearly value of 10*l.*, paying the rates and charges properly falling on him: and it was not left to the opinion and oath of the party, but there was a power given to the revising barristers of ascertaining the fact. The noble Lord said, that a 5*l.* franchise, tested by a rate, was equal to a loose and unsatisfactory franchise of 10*l.*, that showed, that when a 10*l.* franchise was asked it was not meant; but when a loose and unsatisfactory franchise of 10*l.* was talked of, he said, that when it was adopted for England, a *bonâ fide* 10*l.* was meant, and he said, that in England we had it. In England the qualification in respect to which a person had a right to vote was, clear yearly value of 10*l.*, and that the revising barristers, in deciding what a 10*l.* value meant, acted under Mr. Poulet Scrope's Act, in order to ascertain whether it was a *bonâ fide* franchise. He had made inquiry of a revising barrister, of some authority, in order to learn upon what principle they decided. When he had been told, that he was insulting Ireland, when he required the poor-law rate for a test, he said, that in England we appealed to the poor-law assessment. It was required in England, that a voter should be rated at 10*l.*, but the revising barristers were entitled to call before them collectors of taxes, and overseers of the poor, in order to test the oath and opinion of the English voter. We did say to the English voter, "Your oath and opinion shall not be binding on us: the revising barrister shall have another test—the rate-book of the collector." He would now state the answer which he had got from a revising barrister. That gentleman stated, that he had ceased to act as a revising barrister for two or three years, but he knew that, the general and almost universal practice [*Interruption,*] "I am showing," said the right hon. Baronet, "that I am not insulting Ireland by requiring a *bonâ fide* franchise; and I am attempting to show, that in England, the noble Lord was wrong in supposing, that a 5*l.* *bonâ fide* franchise was equal to a loose and unsatisfactory 10*l.* franchise, if he supposes it is so in England. The revising barrister had stated—

> "The general, I may say the almost universal, practice has been to ascertain the value in the same way as the annual value is ascertained in rating to the relief of the poor; *i. e.* by ascertaining the value intimated by a supposed rental, if the premises were let from year to year, the tenant being subject to the charges, rates, and taxes, which by the law are payable by him in respect of his occupation. The actual rental is no criterion of the value where, by agreement between the parties, the landlord takes upon himself the payment of rates, charges, and taxes, which fall upon the tenant, or where the tenant subjects himself, by special agreement, to burdens, repairs, or other outlay, greater than those which the law, without such special agreement imposes on him. In the former case the rent exceeds, in the latter it falls short of, the real value."

It had been intimated to him, that he had mistaken the meaning of a 10*l.* franchise; that it was not the meaning of a 10*l.* franchise that it should be the value of the house after payment of rates falling on the tenant, but that it was the test of the capacity of the tenant to pay 10*l.*, and that he (Sir Robert Peel) ought to add, to what the landlord takes, the rates the tenant is liable to pay. If the landlord takes 5*l.* and the tenant has to pay 5*l.*, it was said that is a 10*l.* franchise. This he denied. He contended that it meant where the house was worth 10*l.* to let, the occupying tenant paying all the rates and charges to which he was liable by law. That rule was the universal rule in Great Britain, and that was the principle he contended for. Hearing this opinion of his denied, he had again referred to the revising barrister, the gentleman whom he had before quoted, and he had received this additional information. He stated, "I have again inquired anxiously as to the practice amongst English revising barristers. I have consulted many gentlemen of different circuits. They all declare that they act upon this principle, that if the house, &c., is worth 10*l.* a year to let to a tenant who is liable to pay the tenant's usual charges, *i. e.* rates, taxes, and his common law repairs (which last is, however, in practice disregarded, as being too minute a matter to be considered), they consider the property of sufficient value; otherwise not." Then what were the proposals he (Sir Robert Peel) had made? That the franchise should be uniform, this had been assented to; that the test should be by rating, this had been assented to; and that the franchise should be a 10*l.* qualification, to be determined by rating, this had been rejected. The question was, is the test a good one? If it raised the test above 10*l.* it is a bad one. If a 5*l.* franchise was meant, say so; if an 8*l.* say so; or if a 10*l.* say it; but do not talk of a loose and unsatisfactory one. No man could get up and say, that a 10*l.* franchise ought to be less than a *bonâ fide* one. What he had said from the first was, that the 10*l.* should be a *bonâ fide* value; he did not want, he never meant, to raise it in Ireland to 12*l.* or 20*l.* "If you tell me," said the right hon. Baronet, that the franchise is too high for Ireland, I can understand you; if you tell me that Ireland is a poor country, and, it ought, therefore, to have a lower franchise, I do not admit the argument, but I can understand it. I deny, that, after the passing of the Reform Act, the franchise in Ireland ought to be lower than in England." The only question would be as to the landlord's repairs. In Ireland, the tenants bore the charge of repairs—in England, the landlord; but there were various charges in England from which the tenants were exempt in Ireland. Upon the new Poor Law Bill, in Ireland the tenants would bear half the charges and the landlord the other; but the sole point on which there was a difference of opinion, was the different practice in England and in Ireland with respect to landlord's repairs and insurance. He believed, generally speaking, where there was a holding from year to year, the tenant bore the charges; in some cases, he feared, they were borne by neither. He repeated, that, after the fullest consideration, he could not consent to accept any thing less than what he had required at the outset, a *bonâ fide* holding of 10*l.*, as it was considered in England, namely, not left to the opinion of the party, but ascertained by rating; and he now declared he did not believe, looking to the principle of the Parliamentary franchise, that it was an unreasonable proposal on his part, or that the House would reject either the amount of the franchise or the test he proposed. He was amongst those who were most anxious to see this question settled, and he was sorry that an attempt should have been made to disappoint this object, by calling in other topics calculated to act upon the passions. He had been told, that he had offered an insult to the people of Ireland. He had thought, that he might argue against a system on the ground that it led to the commission of perjury, without insulting the people of Ireland, and he had supposed so from the practice of the hon. and learned Member for Dublin, who had found fault with a system because it encouraged perjury. What said the hon. and learned Member in his evidence before the Committee on the 40*s.* freeholders in 1835? Did he not say, that the system to which he referred there, gave encouragement to perjury, and might not he use the same argument? The hon. and learned Member was asked:—"Are you of opinion any corrective could be applied to the evils which are understood to have arisen from the system of 40*s.* freeholds in Ireland?—It is difficult for me to answer that question. The system of 40*s.* freeholds in Ireland is essentially different from that which is in England. There are some 40*s.* freeholders who have fee simple estates, and with these I suppose nobody would meddle. Then, with respect to those who have derivative interest, there is an immense deal of perjury," this was the answer of the hon. and learned Gentleman, "from accumulation of oaths, and they are part of the live stock of an estate." "Do you think you will avoid the evil of perjury by raising it to 10*l.*?—Yes, I do. A man who had a 10*l.* freehold would be known among his neighbours. He would have a character to preserve, and I do not think there would be nearly the temptation to perjury there now was." Did the hon. and learned Gentleman think he was insulting the country by this? Then again: the hon. and learned Gentleman was asked, "Are you acquainted with the administration of justice by the magistrates of corporate towns? "It is extremely complained of in both civil and criminal matters," was his answer. "They have civil jurisdiction called Courts of Conscience that set at defiance, certainly, every notion of conscience." They are considered as the worst receptacles of perjury. We had a right to argue from the result of experience, and it was only those who felt their arguments to be intrinsically weak who would have recourse to such a suggestion as that insult was intended. He had endeavoured to ascertain what was the number of 10*l.* houses in Dublin. He found that the total number of houses in Dublin was 17,300, of which 14,103 were above the value of 10*l.* He had no doubt they would be considerably reduced by rating, but he could not help assuming that a 10*l.* franchise would give a respectable constituency when he found, that out of 17000 houses, 14,000 were valued at 10*l.* But the bill took *5l.* instead of 10*l.*; and the question for him to determine being, whether he preferred this bill being rejected at once, or sent to the House of Lords, and time being given for the further consideration of it, he said, he would rather that it should be rejected at once than that it should pass into a law. He retained, unabated by anything which had passed, a sincere desire that this question should be brought to a final, and he should be happy if it could at the same time be brought to an amicable and satisfactory adjustment. He should regret if the course he now proposed to take should prevent that adjustment; but if he were asked whether he preferred the alternative of giving his consent to the bill, or of postponing a settlement of the question, he should be ready to take the consequences of postponing a settlement rather than give his consent to a bill which he could not in his conscience approve of.

The *Chancellor of the Exchequer* observed that he willingly accepted the statements of the right hon. Baronet, and would endeavour to see whether the principles which he had laid down would justify the vote which the right hon. Baronet had stated his intention of giving. The right hon. Baronet said, that if the test which he proposed would have the effect of raising the *bonâ fide* value it was a bad test—and he would now prove by facts, the truth of which was very generally avowed, that the test which the right hon. Gentleman proposed was not a just test. Even according to the right hon.

Baronet's own principles the city with which he (the Chancellor of the Exchequer) had been for many years politically connected, namely, the city of Limerick, contained a greater number of houses of that description, which might be termed the better class, than most of the other towns of Ireland. Now, he was as ready and as anxious as the noble Lord or the right hon. Baronet, or as any of the hon. Gentlemen opposite, to put an end to any perjury that might exist on this subject, and he entreated them to give him their attention whilst he stated the facts of the case as concerned the city he had alluded to. In that city there was a valuation of the houses in the district he referred to, and that valuation he held in his hand. The paper contained two columns, and showed a comparison between the rated value in the parochial books, and the *bonâ fide* rent paid by the lessee. The first of these houses, it appeared from this paper, was rented at 100*l.* a-year, and rated at no more than 80*l.* The next at 95*l.* a-year, and rated at 75*l.*; the next at 60*l.* a-year, and rated at 40*l.*; others at 65*l.* a-year, rated at 40*l.*; and several at 55*l.* and 50*l.*, and rated at 35*l.*, whilst of the houses rented at a lower rate the inequality was still greater. Let hon. Gentlemen opposite consider this when they asked for a franchise of 10*l.* *bonâ fide* value. He did not tax his opponents with disingenuousness, but he considered them to be under a misapprehension and misinformed, for he was convinced that a 10*l.* franchise, coupled with a rating, would disfranchise a large number of the best voters in Ireland—voters equal to the best that either England or Scotland could produce. If he was not in error with regard to what he had shown with reference to the city of Limerick, he believed that a similar inquiry into the circumstances of the renting and rating of houses in Dublin, Cork, Waterford, and other places would lead to the same result. But the right hon. Baronet said, he wished to have an uniformity of franchise, and quarrelled with hon. Gentlemen opposed to him on that point, maintaining, that they had not given it in this bill. But the bill, as it now stood, established uniformity with the raising of the franchise in the smaller towns. The right hon. Gentleman had given a satisfactory reason for not having proposed other amendments to this bill, and he considered that the right hon. Gentleman had taken a prudent course in not doing so, although, perhaps, there were some of his amendments on which the Government might have been inclined to have acted. He could not bring himself entirely to despair of the amicable adjustment of this question. When he considered how many gentlemen on both sides of the house appeared anxious for such a result, and that, taking both sides of the House together, there had been so generous, and, he might say, bold and courageous a disposition exhibited to have it settled, he could not think it would all end in nothing, and be of no avail. Let hon. Gentlemen think of the consequences of throwing out this bill. The points of difference on this subject would never again be so few as at that moment, or lie in so narrow a compass as they then did; and on these grounds he for one would not yet despair that the present session would close without giving an amicable adjustment of the questions of corporations and tithes, which, if not final, would at least give Ireland a better chance of tranquillity, remove the hostile collision into which the two departments of the Legislature had been thrown, and put an end to those heartburnings and differences which had harassed their past deliberations.

Mr. *Shaw* could not think, that the case of Limerick, quoted by the right hon. Gentleman, in any degree sustained the right hon. Gentleman's argument, for rating might be good as a general test, although in some particular instances, the rating itself might be defective. Such seemed to be the case in Limerick, and such had been the case in the city of Dublin antecedent to the recent valuation. But if the rating were correct, and uniform, it would afford as correct a test as could well be found; but if the argument of the right hon. Gentleman was good for anything, it went too far for his own purpose; for the bill as amended by the Government took rating as its test of value, and brought the question between them to this—was the franchise to be a 10*l.* one, or a 5*l.* one? Now, he and those with whom he acted, only contended for a *bonâ fide* 10*l.* franchise, and if they could be shown to be in any particular error in estimating it, they were ready to correct the error; but, on the other hand, the Government, who had themselves first offered a 10*l.* franchise, admitted, that the present system of fraud, and fiction, and perjury which existed in Ireland in reference to the Parliamentary franchise should be put an end to. They also allowed, that rating was the true test of value, but then they turned round and said, instead of a 10*l.*, we will only give you a 5*l.* franchise. His Friend, when they said 10*l.*, meant, that the franchise should be no more than 10*l.* Could the Government assert, that when they said 5*l.*, they meant that it should be no less than 10*l.*, for really the question was simply one of good faith. He complained, that due credit was not given, but, on the contrary, great injustice was done, to the motives and conduct of those who had already made large concessions with respect to the question. It had been very difficult to overcome, in the minds of those connected with the existing corporations of Ireland, old prepossessions, and former prejudices, if their feelings were so to be termed; and it was too much to expect, that the conditions upon which those concessions had been concurred in, could then be departed from. At the same time, he, for one, was bound, and ready to act up to, not only the letter, but the spirit of the terms to which he had assented; but while the Tithe Bill was unsettled, a 5*l.* franchise in that bill, and many other of its provisions objectionable, he never could consent to its third reading. That the question was not then adjusted, was the fault of the Government, who had receded from their own proposition, and upon them would rest the entire responsibility.

Mr. *Slaney* was understood to say, that if hon. Members would only consider the true question, without being influenced by a desire to gain a party triumph, they would see that there was really very little difference between either party.

Mr. *W. M. Praed* said, that the question for the House to decide was, whether the 5*l.* rating which was now proposed by the Government, carried out a full 10*l.* yearly value, as originally proposed by them. The noble Lord, the Secretary for Ireland, had said, that with this test a 5*l.* franchise would come very nearly, or quite up to a 10*l.* yearly rent. But he should like to know, where the noble Lord got evidence to support that assertion. The right hon. Gentleman, the Chancellor of the Exchequer, appeared to concur in the views of the noble Lord, the Secretary for Ireland, and has cited the state of the rating for the city of Limerick; but he (Mr. Praed) must contend, that if rating did not represent the full yearly value, still there it was not a bad test of yearly value, but it was a bad rating, It was well known, that in many parts of the country a house, of the full yearly value of 25*l.*, was rated under the statute of Elizabeth at 3*l.*, but that state of things never could exist under the rating as provided by the Poor-law Bill for Ireland. What he and the Opposition side of the House wanted, was the full yearly value of 10*l.*, as those words were familiarly understood in every revising barrister's court in this country. What was the difference between the 10*l.* franchise in England, and the 10*l.* franchise in Ireland, when the principle of rating was applied? This was the difference, that in England, the landlord was responsible for repairs and insurance, while in Ireland, the tenant bore those expenses; so that in Ireland, under this bill, a tenant paying 9*l.* a year rent, and 1*l.* more for repairs and insurance, would not be entitled to the municipal franchise, whereas as they (the Opposition) interpreted it, the party so situated would be entitled to the franchise. It was said, this was a surreptitious attempt on their part. He (Mr. Praed) denied the assertion, and maintained, that they were merely following out the very words of that clause of the noble Lord's bill which related to the qualification for aldermen. The noble Lord in that clause, provided, that the qualification for aldermen should be the occupation of a House of the full yearly value of 25*l.*, and had assumed in that clause that rating, and full yearly value were synonymous, as applied to the larger amount of rate, and yet he made a difference of fifty per cent., as to the smaller value. On these grounds, he concurred in the views of the noble Lord, the Member for South Lancashire.

The House divided on the original question. Ayes 169; Noes 134:—Majority 35.

List of the Ayes.

Abercromby, G.
Aglionby, H. A.
Ainsworth, P.
Alston, R.
Anson, hon. Col.
Archbold, R.
Attwood, T.
Ball, N.
Bannerman, A.
Barnard, E. G.
Barry, G. S.
Beamish, F. B.
Bellew, R. M.
Bewes, T.
Blackett, C.
Blake, M. J.
Blake, W. J.
Blewitt, R. J.
Blunt, Sir C.
Brabazon, Lord
Bridgeman, H.
Briscoe, J. I.
Brocklehurst, J.
Brodie, W. B.
Brotherton, J.
Browne, R. D.
Bryan, G.
Buller, E.
Bulwer, E. L.
Busfield, W.

Butler, hon. Col.
Callaghan. D.
Carnac, Sir J. R.
Cayley, F. S.
Chester, H.
Chichester, J. P.
Clay, W.
Clements, Lord
Collier, J.
Collins, W.
Colquhoun, Sir J.
Craig, W. G.
Crawley, S.
Curry, W.
Dalmeny, Lord
Denison, W. J.
D'Eyncourt, C.
Duke, Sir J.
Easthope, J.
Elliot, hon. J.
Ellice, Capt. A.
Etwall, R.
Evans, G.
Fenton, J.
Ferguson, Sir R.
Fergusson, C.
Finch, F.
Fitzpatrick, J. W.
Fitzroy, Lord C.
French, F.
Gillon, W. D.
Gordon, R.
Goring, H. D.
Grattan, J.
Grattan, H.
Grey, Sir C.
Grey, Sir G.
Hall, B.
Hallyburton, Ld. D.G.
Harvey, D. W.
Hawes, B.
Hayter, W. G.
Hindley, C.
Hobhouse, Sir J.
Hodges, T. L.
Hoskins, K.
Howick, Lord
Hume, J.
Humphery, J.
Hurst, R. H.
Jephson, C. D. O.
Jervis, J.
Jervis, S.
Lambton, H.
Lushington, Dr.
Lushington, C.
Lynch, A. H.
Macleod, R.
Macnamara, W.
Maher, J.
Marsland, H.
Martin, J.
Maule, hon. F.
Maule, W. H.
Mildmay, P. St. J.
Morpeth, Lord
Morris, D.
Murray, rt. hon. J. A.
Muskett, G. A.
O'Brien, W. S.
O'Callaghan, C.
O'Connell, D.
O'Connell, J.
O'Connell, M. J.
O'Conor, Don
O'Ferrall, R. M.
Palmer, C. F.
Palmerston, Lord
Parker, J.
Parrott, J.
Pease, J.
Philips, M.
Power, J.
Protheroe, E.
Pryme, G.
Pusey, P.
Redington, T. N.
Rice, E. R.
Rice, rt. hn. T. S.
Rich, H.
Roche, E. B.
Roche, D.
Rolfe, Sir R. B.
Rumbold, C. E.
Rundle, J.
Russell, Lord J.
Russell, Lord C.
Salwey, Colonel
Scrope, G. P.
Seale, Col.
Seymour, Lord
Sharpe, Gen.
Sheil, R. L.
Somerville, Sir W
Staunton, Sir G.
Stewart, J.
Stuart, V.
Strutt, E.
Surrey, Earl of
Tancred, H. W.
Thomson, C. P.
Thornely, T.
Troubridge Sir E.
Turner, E.
Turner, W.
Vigors, N. A.
Villiers, C. P.
Vivian, Sir R. H.
Walker, C. A.
Walker, R.
Wall, C. B.
Wallace, R.
Warburton, H.
Westenra, H. R.
Westenra, J. C.
White, A.
White, S.
Williams, W.
Williams, W. A.
Wilshere, W.
Winnington, T.
Wood, C.
Wood, Sir M.
Wood, G. W.
Worsley, Lord
Woulfe, Serg.
Wrightson, W. B.
Wyse, T.
Yates, J. A.

TELLERS.

Stanley, E. J.
Steuart, R.

List of the NOES.

Acland, Sir T. D.
Acland, T. D.
A'Court, Captain
Alsager, Capt.
Ashley, Lord
Attwood, M.
Bagge, W.
Baker, E.
Barrington, Lord
Bateson, Sir R.
Blackburne, I.
Blair, J.
Blandford, Marq. of
Blennerhassett, A.
Bramston, T. W.
Broadley, H.
Brownrigg, S.
Bruges, W. H. L.
Buller, Sir J. Y.
Burr, H.
Cantilupe, Lord
Cartwright, W. R.
Castlereagh, Lord
Clive, hon. R. H.
Compton, H. C.
Coote, Sir C. H.
Corry, hon. H.
Creswell, C.
Cripps, J.
Dalrymple, Sir A.
Darby, G.
Darlington, Lord
De Horsey, S. H.
D'Israeli, B.
Douglas, Sir C. E.
Dunbar, G.
Duncombe, W.
Eastnor, Lord
Egerton, W. T.
Egerton, Lord F.
Elliot, Lord
Ellis, J.
Estcourt, T.
Filmer, Sir E.
Fitzroy, hon. H.
Fleming, J.
Follett, Sir W.
Forester, G.
Freshfield, J. W.
Godson, R.
Goulburn, H.
Graham, Sir J.
Greene, T.
Grimsditch, T.
Grimston, Lord
Halford, H.
Harcourt, G. S.
Hardinge, Sir H.
Hayes, Sir E.
Heathcote, Sir W.
Heneage, G. W.
Hepburn, Sir T. B.
Herbert, hon. S.
Hinde, J. H.
Hodgson, R.
Hogg, J. W.
Holmes, W.
Hope, hon. C.
Hope, G. W.
Houldsworth, T.
Howard, hon. W.
Inglis, Sir R. H.
Irving, J.
Jackson, Serg.
James, Sir W. C.
Johnstone, H.
Jones, T.
Kemble, H.
Law, hon. C. E.
Lefroy, right hon. T.
Liddell, hon. H.
Litton, E.
Lowther, Colonel
Lygon, General
Mackenzie, T.
Mackinnon, W.
Maclean, D.
Manners, Lord C.
Maunsell, T. P.
Miles, W.
Miles, P. W. S.
Miller, W. H.
Milnes, R. M.
Noel, W. M.
Palmer, G.
Patten, J. W.
Peel, Sir R.
Pemberton, T.
Perceval, Col.
Perceval, G. J.
Planta, right hon. J.
Plumptre, J. P.
Powerscourt, Lord
Praed, W. M.
Praed, W. T.
Price, R.
Pringle, A.
Rae, Sir W.
Richards, R.
Rickford, W.
Rolleston, L.
Round, J.
Rushbrooke, Colonel
Rushout, G.
Sandon, Lord
Shaw, right hon. F.
Sheppard, T.
Sibthorp, Colonel
Smyth, Sir G. H.
Stanley, Lord
Sturt, H. C.
Sugden, Sir E.

Teignmouth, Lord
Tennent, J. E.
Trevor, hon. G.
Verner, Col.
Vivian, J. E.
Waddington, H.
Walsh, Sir J.
Wilmot, Sir J.
Wodehouse, E.
Wood, Colonel T.
Wood, T.
Young, J.

TELLERS.

Fremantle, Sir T.
Baring, H. B.

Paired off.

FOR.	AGAINST.
Russell, Lord	Marton, G.
Pendarves, E. W. W.	Bruce, Lord E.
Clive, E. B.	Barneby, J.
Pinney, W.	Lowther, Lord
Duncan, Lord	Stormont, Lord
Cowper, hon. W. F.	Canning, Sir S.
Strickland, Sir G.	Gaskell, J. M.
Bowes, J.	Bentinck, Lord G.
Ferguson, R.	Gladstone, W. E.
Hutt, W.	Foley, E.
Barron, H. W.	Broadwood, H.
Crawford, W.	Dottin, A. R.
Andover, Viscount	Williams, R.
Heneage, E.	Chute, W. L. W.
Standish, C.	Neeld, J.
Bentinck, Lord W.	Ingestrie, Viscount
Stuart, Lord J.	Chandos, Marquess of
Evans, General	Wynn, Sir W. W.
Baring, F. T.	Wynn, right hon. C.
Dundas, hon. J. C.	Houstoun, G.
Divett, E.	Parker, M.
Melgund, Lord	Knox, hon. T.
Handley, Major	Neeld, J.
Ebrington, Lord	Goddard, A.
Ponsonby, hon. J.	Polhill, Captain
Talfourd, Serg.	Kelly, F.
Power, J.	Pollen, Sir J.
Leveson, Lord	Henniker, Lord
Pechell, Captain	Master, T. W. C.
Hill, Lord M.	Gordon, hon. W.
Scholefield, J.	Holmes, hon. W. A.
Labouchere, H.	Estcourt, T. H. S. B.
Byng, G.	Damer, hon. G. D.
Baines, E.	Thomas, Colonel
Dundas, hon. T.	Meynell, Captain
Howard, R.	Packe, C. W.
James, W.	Welby, G. E.
Benett, J.	Eaton, R. J.
Currie, R.	Hodgson, F.
Style, Sir C.	Tyrell, Sir J. T.
Guest, C.	Bailey, J.
Davies, Colonel	Bailey, J.
Cavendish, hon. G. H.	Dugdale, D. S.
Paget, Lord A.	Alford, Viscount
Somers, J. P.	Granby, Marquess of
Berkeley, hon. C.	Bagot, hon. W.
Chetwynd, Major	Farnham, E. B.
Compton, S.	Ossulston, Lord
O'Brien, C.	Young, Sir W.
Lefevre, C. S.	Knightley, Sir C.
Stanley, W. O.	Gore, J. R. O.
O'Connell, M.	Fector, J. M.
Sanford, E. A.	Gibson, T.
Hollond, R.	Courtenay, P.
Anson, Sir G.	Vere, Sir C. B.
Bainbridge, E. T.	Burroughes, H. N.
Townley, R. G.	Burrell, Sir C.
Harland, W. C.	Harcourt, G. G.
Shelburne, Lord	Somerset, Lord G.
Duckworth, S.	Burdett, Sir F.
Lister, E. C.	Pigot, R.
Chalmers, P.	Lockhart, A. M.
Roche, W.	Codrington, C. W.
Dundas, D.	Hawkes, T.
Adam, Sir C.	Ker, D.
Hector, C. J.	Copeland, Alderman
Slaney, R. A.	Bradshaw, J.
Evans, W.	Knight, H. G.
Dunlop, J.	Vernon, G. H.
Wilde, Serg.	Pollock, Sir F.
Dundas, F.	Lucas, E.
M'Taggart, J.	Trench, Sir F.
Campbell, W. F.	Hill, Sir R.
Palmer, C. F.	Cole, Lord
Grosvenor, Lord R.	Arbuthnot, hon. H.
Stanley, W. M.	Fox, G. L.
Collins, W.	Perceval, Colonel
Howard, P. H.	Stanley, E.
Stansfield, W. R. C.	Herries, rt. hn. J. C.
Philips, Sir R. B.	Hotham, Lord
Paget, F.	Cole, hon. A. H.
Langton, W. G.	Sanderson, R.
Ord, W.	Gore, W. O.
Bodkin, J. J.	Jones, J.
Philips, G. R.	Egerton, Sir P.
Kinnaird, hon. P.	Calcraft, J. H.
Lemon, Sir C.	Clive, Viscount
Lennox, Lord G.	Chapman, A.
Vivian, Major	Reid, Sir J. R.
Bernal, R.	Mathew, G. B.
Speirs, A.	Shirley, E. J.
Clayton, Sir W.	Tollemache, J. F.
Acheson, Lord	Norreys, Lord
Fazakerley, J. N.	Baring, hon. W. B.
Conyngham, Lord A.	Maidstone, Viscount
Cave, R. O.	Dick, Q.
Hastie, A.	Grant, hon. W.
Edwards, Col.	Palmer, G.
Hawkins, J. H.	Jenkins, R.
Fleetwood, P. H.	Jermyn, Earl
Strangwayes, hon. J. F.	Wilbraham, hon. R. B.
Ward, H. G.	Mahon, Viscount
Heathcote, F.	Ashley, hon. H.
Campbell, Sir J.	Peel, Colonel
Fitzgibbon, hon. R.	Powell, Colonel
Potter, R.	Christopher, R. A.
Smith, B.	Mackenzie, W. F.
Price, Sir R.	Feilden, W.
Winnington, H. J.	Pakington, J. S.
Hutton, R.	East, J. B.
Loch, J.	Bell, M.
Ramsbottom, J.	Thornhill, E.
Greenaway, C.	Hope, H. T.
Byng, G.	Bethell, R.
Howard, F. J.	Villiers, Visct.
Milton, Viscount	Glynne, Sir S.
Johnson, General	Boldero, H. G.
Childers, J. W.	Fellowes, E.
Grote, G.	Baillie, Colonel
Duff, J.	Hale, R. B.
Hobhouse, T. B.	Hughes, W. B.
Smith, J. A.	Wyndham, W.

FOR.	AGAINST.
Martin, J.	Dowdeswell, W.
Marshall, W.	Owen, Sir J.
Erle, W.	Sinclair, Sir G.
Ponsonby, hon. C.	St. Paul, H.
Briscoe, J. I.	Douglas, Sir C.
Wiltshire, W.	Grimston, Lord
Smith, R. V.	Campbell, Sir H.
Jephson, C. D. O.	Wodehouse, E.
Harvey, D. W.	Houldsworth, J.
Surrey, Earl of	Alsager, Capt.

Bill passed.

SUGAR DUTIES.] The *Chancellor of the Exchequer* having moved the Order of the Day for going into Committee on the Sugar Duties Bill,

Mr. *Clay:* I have to request the attention of the House to a brief explanation of the object of the motion I am about to submit for its adoption. That motion is as follows: "That it be an instruction to the Committee, to make provision for permitting British plantation sugar to be taken out of bond, for the purpose of refining, on approved security being given for the payment of the duty." Should I be successful in this motion, it is my intention to propose in Committee, "That a drawback of 24*s.* per cwt. be paid on the exportation of every description of refined sugar, and on the treacle produced in the process of refining." The object of these two motions is to get rid of the concealed bounty, at present paid on the exportation of refined sugar, and which can only be effectually got rid of by the mode I propose. I am quite aware that the question I raise by these motions, is not of a kind to attract the attention of this House,—it is a question, nevertheless, of no mean importance, for not only does the concealed bounty, to which I have referred, cause a considerable annual loss to the revenue, but it enhances by a direct and inevitable process the price of all the sugar consumed in this country, and thus imposes a very heavy tax—a tax the more objectionable that it eludes observation—on the British people. The drawback, or bounty paid in the export of refined sugar, is fixed by the following process of calculation: it is assumed, that a given quantity of refined sugar can be made from an cwt. of raw sugar, and such an amount of drawback is given on a cwt. of refined sugar as is supposed to be exactly equal to the duty paid, on the quantity of raw sugar necessary for its production. Prior to 1807, there were only two rates of drawback, one on refined sugar, and one on bastard sugar, (an inferior kind of refined), and these were computed on the assumption that one cwt. of raw sugar yielded of

Refined Sugar -	61 lbs.
Bastards - -	18
Treacle - - -	28
Dirt and Waste	8
	112

The drawback was given only on refined sugar, and on bastards, having the treacle produced to come in duty free. Subsequently a demand arose in foreign markets for sugar more highly refined than it was thought could be produced by a single process of refining, and as in a second process of refining a further loss of quantity occurred, it was considered that a larger drawback was required to re-imburse to the refiner the duty paid on the raw sugar. Since 1807, therefore, there have been three rates of drawback, viz:—on doubled refined, single refined, and bastards; but as in the progress of the art, methods have been discovered for producing from the first melting, sugar as fine in quality as that which was formerly attainable only by two successive meltings, it is not now insisted on, that sugar should be twice refined to be entitled to the highest rate of drawback, it is enough that it be equal to a certain standard sample kept by the officers of the Customs. In point of fact, there is now, as the House will readily believe, from what I am about to state, none, or next to none, other sugar exported than such as is entitled to the highest drawback. The present rates of drawback are, for bastards 24*s.* per cwt.; single refined 36*s.* 10*d.* per cwt.; double refined 43*s.* 2*d.* per cwt. These drawbacks were calculated, as I have stated, with the intention that they should exactly repay to the refiner the duty he had paid on the raw sugar used in producing each kind of refined, but the process of calculation was open to this very material source of error. The whole calculation is founded on the assumption, that only a certain quantity of refined sugar can be produced from a given quantity of raw, if more than was supposed can be obtained, the refiner gets more drawback than he paid duty; if less than he had assumed, then he gets less drawback than he had paid duty. It is beyond a doubt, that the former is the true proposition, and that he gets, in the shape of drawback on the refined sugar, a far larger sum than he paid as duty on the raw sugar from which it was manufactured, Some experiments, made three or four years by Dr. Ure, under the directions of the Board of Trade placed this fact beyond dispute, but more recent experience shows, that Dr. Ure had much under-rated the excess of drawback, over duty. The following is an account of the actual proceedings as communicated to the Board of Trade of a refinery in London during a part of the year 1836.

Statement furnished to the Board of Trade of actual Results of refining 9121 *cwts. of raw Sugar.*

9121 cwts. produced 82¼ lbs. per cwt., or 6696 cwts., equal to customs standard of double refined —receiving drawback 43*s.* 2*d.* per cent. - -	14,452	1	4
15 cwts. produced, or 1216 bastards —drawback of 24 per cent. -	1,459	4	0
10¾ produced, or 863 cwts. of treacle.			
4 cwts., or 346 dirt and waste -	£.15,911	5	4
112 cwts. produced, or 9121 cwts.			
Duty paid on 9121 cwts. of raw sugar - - -	10,945	0	0
Net amount of concealed bounty, if the refined sugar had been exported - -	£4,966	5	4

Equal to 10*s.* 10*d.* per cwt., independently of the remitted duty on treacle.
Equal to 2*s.* 2*d.* per cwt , together 13*s.* per cwt.

In the letter from the Board of Trade to the Treasury recently laid on the table of this House from which I have quoted the foregoing remarkable statement, it is assumed, although it is not said on what grounds, that the instance in question "is to be taken rather as an experiment to show what can actually be produced than as coming within the ordinary course of sugar refining." I believe from information on which I place reliance, that if more favourable in its results than the ordinary process of modern refining under the improved methods now in use, the experiment I have just referred to, is so only in a very small degree. I believe, that on the average, a refiner of the ordinary skill, using the best machinery, can produce from an cwt. of raw sugar, as much refined sugar as will entitle him to a drawback on exportation of between 31*s.* and 32*s.*—7*s.* or 8*s.* more, that is to say, than the 24*s.* he paid in the cwt. of raw sugar, if to this be added the advantage of selling duty free for home consumption, the 15 to 20lbs. treacle made in refining the cwt. of raw sugar—an advantage of from 2*s.* to 3*s.*—it is impossible to estimate at less than 10*s.* per cwt. the concealed bounty obtained under our present laws by the refiner on every cwt. of raw sugar which he refines for exportation. This conclusion is rendered irresistible by the perfectly notorious fact, that British plantation sugar which can be used in our refineries sells for 10*s.* or 12*s.* per cwt. dearer than foreign sugar of equal quality which cannot be so used. Now what are the results of this state of the law? Why first, that the revenue is greatly defrauded—the Customs lose 10*s.* on every cwt. of sugar refined and exported.—If 500,000 cwts. of sugar be refined and exported, therefore, the revenue suffers to the extent of 250,000*l.* But, secondly, and this is by very far the more important consequence of the present state of the law, this concealed bounty of 10*s.* per cwt. does enhance to that precise extent, the price of every pound of sugar consumed in the United Kingdom,—and as the quantity consumed is about 4,350,000 cwts. annually, has the effect of imposing a tax on the public of 2,175,000*l.* per annum for the whole and sole advantage of the West-India proprietors—or the growers of that sugar which has the monopoly of the home market. The mode in which this effect is produced, may be stated in very few words, and will be at once admitted by every hon. Gentleman who hears me, who is conversant either with commercial transactions or with the elements of economical science. It is worth the while of the foreign merchant, to give as much for our refined sugar, as it will fetch in the foreign market, deducting his profit and the charges of transit,—the price he will at present give for refined sugar put on board his ship in the river Thames, is 35*s.* per cwt. the refiner gets in addition 43*s.* 2*d.* drawback, together 78*s.* 2*d.* or deducting the charges of shipping 2*s.* 2*d.*.—76*s.* per cwt. for his cwt. of refined sugar—of course this must be also the price of refined sugar in the home market, for he will not sell to the English grocer for a less price than he can get from the foreign merchant. But in the 43*s.* 2*d.* drawback on his refined sugar, I have shown, that the refiner has got much more than he paid as duty on the raw sugar. Now does the House suppose, that, of that excess he puts into his pocket any the smallest fraction as profit? not one single sixpence; the competition of other refiners will prevent his getting more than the ordinary profits of trade, and if it be true, as is undoubted, that on refining one cwt. of raw sugar he gets from the Customs 10*s.* more in drawback than he paid in duty, precisely that 10*s.* more per cwt. will it be worth his while to pay for the raw sugar, than would be worth his while if there were no concealed bounty. In the same market there cannot be two prices for the same article; the price, therefore, which the refiner can afford to give, every other buyer must pay, and the price of the whole quantity of sugar consumed in the United Kingdom, is enhanced to the public to the exact amount of the concealed bounty, on the exports of refined sugar. Now, Sir, how does my right hon. Friend, admitting the existence of the evils I have described, (for if he differ from me, it is, I know, not in principle but in degree, he may perhaps not allow the concealed bounty to be so large as I have stated it)—how does my right hon. Friend propose to get rid of the inconvenience I have described and the wrong suffered by the public under the existing law. He proposes, by the bill now before the House, to reduce by about 6*s.* per cwt. the drawback on refined sugar—leaving as they now stand all other regulations in the matter—6*s.* per cwt. on refined is about equal (as is allowed by my right hon. Friend) to 4*s.* on the raw sugar, and the concealed bounty being 10*s.* on the raw sugar, he does not remove quite one half of the bounty, nor, of course, relieve the public of quite one half of the burthen of which I complain. I do not say, that the measure of my right hon. Friend is not a beneficial measure or that we should not be grateful to him for what he proposes to do in this matter, but I do say, that the public is entitled to much more, and would support him in carrying through a much bolder measure. That my right hon. Friend does not take off more of the concealed bounty arises mainly from this, that he adheres to the old system of paying drawbacks calculated on the assumed products of refining. Now, as there is great uncertainty as to the result of refining any given sample of sugar, he cannot venture to take off from the drawback the real amount of concealed bounty, lest in some cases he should inflict a hardship on the refiner by giving him less drawback than he had paid duty. The plan involved in the motion I have submitted to the House and the motion I shall submit to the Committee, obviates this difficulty, and it is the only plan by which all difficulty and unfairness to any parties can be obviated. I would propose, that a refiner should be at liberty to take raw sugar out of the bonded warehouses, on giving approved security to the Customs for payment of the duty—that at the end of a given period he should be called on to vacate that bond, which he might do either by entering for exportation the whole produce of the sugar refined, or any part of it, and receiving credit at the rate of 24*s.* per cwt., the duty on the raw sugar for the part so returned, whether refined bastards or treacle; on whatever part of the produce of the sugar he chose not to enter for exportation, whether refined bastards or treacle, he should be called on to pay the duty of 24*s.* per cwt. Thus it would be certain, that, on whatever sugar he refined for the home market, he would pay more than the duty on the raw sugar consumed, and on that which he exported he would merely be free from any duty at all, there could be no concealed bounty, and, consequently, no factitious enhancement of the price of the home market. To this plan I have heard but of two objections, both capable of conclusive reply. The first is, that the revenue might be defrauded, as the refiner might enter for exportation more treacle than he really made, as he could purchase molasses from the West Indies which only pays 9*s.* duty; but it would be easy to limit the quantity of treacle which he should be allowed to enter for exportation. It is again objected, that the price of treacle would be enhanced, as it would, under the plan I propose, pay a duty of 24*s.* per cwt. on entry for home consumption, whereas it is now virtually duty free, and that this advance of price would press severely on the humbler classes by whom treacle is chiefly consumed. This objection is scarcely worth confutation. If the poor man purchased his treacle somewhat dearer (and it would not be rendered dearer to the extent of the duty, the present system, by raising the price of the superior saccharine products, having the tendency unnaturally to force up the price of the inferior) he would get his sugar fully as much cheaper; and it is really too absurd to talk of the advantage of affording to the public some few thousand cwts. of treacle 10*s.* or 12*s.* cheaper, at the price of forcing the whole people to buy four millions of cwts. of sugar 10*s.* or 12*s.* dearer. The plan I propose would also have other and great advantages. As regards the public, it would have the effect of diminishing the difference of price between raw and refined sugar, thus substituting a purer and more wholesome saccharine product for the coarse, impure, and less wholesome product, raw sugar, of which our present absurd system compels the extensive use. It is not as generally known as it ought to be, that the process of refining separates from sugar not only dirt, but poisonous, or, at least, highly deleterious, ingredients. As regards the refiner, whilst it would incalculably extend his home market, it would not impair, in the long run, his foreign market; for, as I have shown beyond, I think, the possibility of doubt, it is the West-India proprietor, and not the British refiner, who gets the whole benefit of the concealed bounty. If that bounty were removed, the refiner would purchase his raw materials so much the cheaper, and be as able consequently, as now to meet foreign competition with the produce of his refinery, although the description of that produce which it might be desirable to export, might not be the same as at present. I am happy to be enabled to state to the House, that such are the opinions now entertained by very many, at least, among the refiners themselves. They have found, by sad experience, the evil effects of a false and artificial system, which, while it has appeared to secure to them the foreign market, has had the far more important consequence of narrowing their market for home consumption. It so happens, that the greater number of the refineries of London are situated within the borough which I have the honour to represent. I will now read to the House a letter I have received from eighteen firms engaged in the business of sugar refining, the whole number, I believe, in London being twenty-four. The House will, I am sure, agree with me, that the letter, advocating as it does the best principles of free trade, does honour to the gentlemen by whom it is signed:—

COPY OF A LETTER ADDRESSED TO W. CLAY, ESQ. M. P.

"9 *June*, 1838.

"SIR—We, the undersigned sugar-refiners, request, that you will, whenever the Chancellor of the Exchequer moves, either a continuance of the law conferring bounty on refined sugar exported, or suggests such alteration in that law as will not extinguish the said bounty, protect, on our behalf, against such renewal or imperfect alteration of the act, explaining to the honourable House that we, so far from desiring the aid of bounty to fortify our exports, do earnestly pray, that precisely the same amount of drawback per cwt. be returned to the exporters of the produce of our refineries, as the duty paid on the raw material, or in order to simplify the operation, that we be charged with duty only on the refined produce not delivered to the Customs for exportation."

(Signed by the proprietors of eighteen sugar-refineries.)

I will add only one other observation before placing the motion, Sir, in your hands, it is this—I earnestly deprecate the charge of bringing forward this motion in any hostile spirit to the West-India interests. I have shown, on more than one occasion, how ready I am to defend those interests to the utmost extent of their just claims. I voted for the twenty millions compensation—I supported her Majesty's Ministers in their opposition to the motions for the immediate termination of the apprenticeship system, mainly on the ground that I could not be a party to the infraction, even in the smallest particular, of the solemn contract into which felt that we had entered with the colonial proprietors. But in this case I am restrained by no such feeling—I know of no bargain or compact by which the people of England have engaged to tax themselves to the enormous extent of two millions per annum, and to limit themselves in the use and enjoyment of that which has almost become a necessary of life, for the sole advantage of a body which has recently received so splendid a proof of national justice and munificence, and to which we still assure for the produce of their estates a monopoly of the best market in the world.

Mr. *Poulett Thomson* observed, that the effect of his hon. Friend's motion would be to alter the whole of the sugar-refining system. His hon. Friend appeared also to find fault with the plan of the Government, on the ground that it took certain proportions as its basis which varied according to the skill exercised in the manufacture of the sugar. Now, he contended that this exposed his hon. Friend's plan to the same objection as that of the Government. He would not consent to a plan which increased the price of the coarse article without placing the finer qualities of sugar within the reach of the working classes. With respect to bounty, he was surprised to hear from his hon. Friend that 10*s.* 10*d.* was gained by the exporter, and that the price to the consumer of sugar in this country was to that extent raised. A more exaggerated statement he never heard; and if his hon. Friend had only read the whole of the letter, of which he read by extracts, his statements would have been completely answered. According to experiments which he had caused to be made, first by Dr. Ure, and afterwards by the principal refiners in London, the result was, that the average bounty did not exceed 4*s.* 6*d.* He could neither, therefore, agree to the arguments which his hon. Friend used, nor to the Motion with which his hon. Friend concluded.

Mr. *Hume* contended that a committee should have been appointed to examine into the facts, which were contradictory in this case.

Mr. *Pease:* After what has passed in this debate, the House will be able to comprehend the reasons which actuated the President of the Board of Trade, when, on a former occasion, he commented upon the proposition I then had the honour to make to the House to the effect, that the import duty on molasses should be made 24*s.* per cwt.—the same amount as is now paid on sugar, the growth of British plantations. The President of the Board of Trade was pleased to say, that he did not understand my proposition nor my arguments. I have, however, the satisfaction of knowing, that if those arguments and that proposition were misunderstood by him, there was no other person, acquainted in the least degree with this question, who misunderstood the views I ventured to throw before the House. But the very thing which I ventured to anticipate has now actually occurred; there is now, without further explanation, no misunderstanding on the part of the President of the Board of Trade, and he has already occupied my ground, and wielded, with his accustomed skill, the argument which I foresaw the House would place in his hands by passing a negative on my proposition. What then did I say? This—that if you would get rid of bounty—a fluctuating quantity and a state of things, most unfavourable to well-regulated and prosperous enterprise—if you would free the refining trade from a system which the letter from the Board of Trade expressly designates as arbitrary, you must conclude to levy the same duty on all descriptions of sweet, and thus you would be in a condition to define the precise amount paid in the first instance, and to be repaid on exportation—this principle was acknowledged to be the only sound one. I was aware, that there were practical difficulties in the way of such a change of system as must ensue; but I felt, and the House must feel, that a sound policy required that change; and although afraid of wearying the House by many figures and calculations, my reasoning might not have its full weight on the former debate, yet I surely said enough to prove, that, as a preliminary to the adoption of a better order of things, my proposal must be adopted. The President of the Board of Trade persuaded the House to discountenance these views, and having succeeded in persuading us to levy no more than 9*s.* per cwt. on molasses, whatever might be the proportion of sugar it contained, and to which in many, very many, cases 9*s.* bears no equivalent. He says, "How can you give a drawback of 24*s.* on treacle when you only received 9*s.*—this would, indeed, be monstrous." Then he added, my hon. Friend, the Member for the Tower Hamlets, says, "Oh! but I would only allow a drawback of 24*s.* on the proportion of treacle which might arise in refining the sugar; why, in this word proportion lies the whole difficulty of the question." Now this is precisely what I said, and endeavoured to prove, but my proposal solved the whole difficulty, and would have placed my Friend, the Member for the Tower Hamlets, beyond the reach of this attack—however unfair it is in reality, and would have placed us in a situation to pursue the plan I sketched, than which none could be better, or could succeed; but the truth is, the President of the Board of Trade is afraid, really afraid, to work out his own principles. He does not dare to look the question fairly in the face; he does not handle it fairly even now—for, on the point just alluded to, he knows as well as any man what would be a fair, a reasonable, and a satisfactory proportion—an allowance that would be deemed fair by the trade, and would be so limited as to prevent any frauds. In this way this important matter is now to be got rid of, but the day is not far distant when this matter must be revived, and placed on an amended footing. We must get rid of a system which treats all sugars and all sweets alike—which permits, as I have already shown, the most glaring and palpable frauds in the import of molasses—which treats, in different ways, most arbitrary and uncertain, the same produce, which legislates for double-refined sugar and single-refined sugar—such a commodity as double-refined sugar being now unknown and banished by an improved process of manufacture — which erects standards of quality unknown to science, and illegal, and which places the people of this country in the situation of being taxed to the extent of millions annually without knowing how nor why—at the same time our refiners are injured if not ruined, and our policy in this branch of business is a disgrace to the age. I must be allowed to comment for a moment on another point. It is said, you will raise the price of treacle to the poor man. Now, this comes with a bad grace from those who well know the workings of the present arrangement of duties and drawbacks. Will the House believe, that, at a very recent period, and the case is even at this very time not widely different, double-refined sugar was selling to the foreign consumer, in this city, at the same, or very nearly the same price as treacle to the British labourer? What will the House think of the fact, that, at this moment, treacle is retailed to the poor man at a considerably higher rate than what is paid by the foreign exporter for beautiful double-refined sugar? Thus we treat our own countrymen—thus we cast our advantages and generosity around us anywhere but at home. Let the House reflect, that if refining is encouraged, and the treacle rendered what it ought to be, what it claims to be, treacle will be abundant. Molasses are now worth 10*s.* per cwt. in bond, if the 24*s.* is added, 34*s.*, a price not unknown, even within a few months might be its price to the English consumer; but he would, by the annihilation of bounties and the substitution of the *bonâ fide* drawback, obtain double-refined sugar at the price he gives for coarse brown soft sugar, and the other qualities at a greatly reduced rate, adding materially to his comforts, and relieving the Exchequer from a large and dishonest drain upon its funds. I conclude with assuring the House, that to these principles we must revert, and on these principles the Government must act. If its policy is to be consistent with its own pretensions—if sugar-refining is to hold its due place in our manufacturing arts, and in our commercial operations, and so soon as there is a fixed determination impartially to do justice to all, then the change will come pregnant, in my humble opinion, with the most beneficial results.

Mr. *Thornely* considered the plan of his hon. Friend the Member for the Tower Hamlets to be totally impracticable, and declared his intention of voting against it.

Motion negatived.—The House went into Committee.—Bill to be reported.

On Clause 1,

Mr. *Hume* moved an amendment to the effect that the duty on brown and muscovado sugars should be reduced from 24*s.* to 20*s.* per cwt. The hon. Member contended that in every instance where a reduction of duty had taken place in any article a great increase in the consumption of that article was the consequence. This was instanced in the article of coffee. Since the duty on coffee had been reduced from 1*s.* to 6*d.* per lb. the consumption of that article had greatly increased; and so far from the revenue having suffered by the reduction there had, on the contrary, been a very considerable increase in the revenue with respect to that article. The same had taken place with respect to wine and spirits. He contended that the same effect would be produced by reducing the duty on sugar. Under any circumstances 158,000*l.* per annum would be the utmost that could be risked by the experiment, and he thought that where the benefit of the public was concerned that experiment ought to be made.

The *Chancellor of the Exchequer* said, that the consumption of sugar had increased with the increase of duty, and he therefore, trusted that the Committee would not agree in the proposition of the hon. Gentleman, but that the House and the country would be satisfied with the progress they were making, and not again make a gratuitous sacrifice of the revenue of the country.

Mr. *Goulburn* said, that if the duty was reduced to the drawback formerly allowed it would be a serious reduction of the revenue. The history of the sugar duties showed that the tax did not affect the producer or the consumer of sugar in a manner so serious as to prevent the extensive consumption of that article, and he should therefore oppose the amendment.

Mr. *Villiers* thought that foreign sugar should be admitted at the same duty as the sugar produced in our own colonies. This, he considered, would be the best mode of benefitting the consumer.

Amendment withdrawn, Clause agreed to.

The remaining clauses were agreed to and the bill ordered to be reported.

House resumed.

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HOUSE OF LORDS,

Tuesday, June 26, 1838.

MINUTES.] Bill. Read a first time:—Municipal Corporations (Ireland).

Petitions presented. By Lord KENYON, from Lancaster, for an alteration in the New Poor-law, and for Protection to Ecclesiastical Property.—By the Bishop of ELY, from the Cathedral Clergy of Ely, against the Pluralities Bill. —By Earl STANHOPE, several, from individuals, against the New Poor-law Act.

PROXIES.] The Marquess of *Westminster*, in declaring that it was not his intention in the present session, to bring forward a motion for the purpose of doing away with the practice of voting by proxy, was understood to say, that it was manifestly improper, that questions should be decided by proxy—that was, by the votes of individuals who had not heard such questions discussed. As a proof of the badness of the system, the noble Marquess stated, that questions had actually been carried by the proxies of noble Lords who were dead at the time their authority was made use of. In his opinion, the dispensing with vote by proxy, would be a most beneficial change in the constitution of their Lordships' House.

Earl *Fitzwilliam* said, this was a question that enjoyed, in his opinion, a rather undeserved popularity through the country at large. He was inclined to entertain a doubt whether his noble Friend himself perfectly understood the question, and whether he had not a little taken up the erroneous views with respect to it, which were held by individuals out of doors. His noble Friend had made one observation which he deemed it particularly necessary to notice, because if it went out to the public unaccompanied by any remark, it might produce a very considerable effect. His noble Friend had stated, that votes by proxy had been given in that House, the persons who delegated such votes not being, at the time when the decision took place, in the land of the living. Now, when they considered how uncertain the tenure of human life was, it might easily be supposed, that an individual not being aware of the death of the person who intrusted him with his proxy, might, in ignorance, use it. But that such a thing could often occur, was quite impossible. With reference to parties out of doors, he would ask whether every vote given in the House of Commons was not a vote by proxy? He wished to know whether the constituent bodies throughout England did not give their votes by proxy? The doctrine on which vote by proxy was allowed, was a good and an expedient one. The privilege was granted, because from illness or unavoidable necessity, individuals might be prevented from attending in compliance with the summons of their Sovereign. His noble Friend had argued that the right of voting by proxy ought to be limited. Now, it was perfectly true that the right of holding proxies might be, and had been, limited, but never the right of voting by proxy. Many years ago, in consequence of the great influence obtained by a celebrated individual, it was ordered that no Peer should hold more than two proxies. There was, therefore, a limitation as to the holding of proxies, but none to the right of voting by proxies had ever been proposed. The public at large he believed, did not understand this question. It supposed that voting by proxy was voting without any consideration of the subject that was to be decided. The fact, however, was, that he who gave the vote—that he who held the proxy—was present at the consideration of the question, and used that proxy just as he pleased himself. It was true, indeed, that he who delegated the proxy placed it in the hands of a person, whose general political views were similar to his own, but still the person holding the proxy might use it as to him seemed best.

Lord *Brougham* said, his noble Friend in obedience to that chivalrous disposition by which he was characterised, seeing that nobody said a word in defence of the system, gallantly threw himself into the breach, and opened a fierce battery against the noble Marquess; who, however, sustained no injury from the assault. He would not have risen, except to enter his protest against being supposed, because he had listened to his noble Friend's speech, that he was a convert to the doctrine which his noble Friend had laid down. Nothing could possibly, in his mind, be more absurd than for an individual 200 or 300 miles off to have the power of placing in the hands of another, the right of voting on one side or the other with reference to a question, the discussion on which he had not attended. Such a principle was most absurd and preposterous; though, perhaps, not much harm was done by its adoption, if, as had been said, very little impression was ever made by any arguments adduced in that

House; so that any given question would be as well decided in the absence of the party delegating the proxy, as if he had heard the whole discussion himself. But his noble Friend had stated, that the individual holding the proxy, and who was present at the discussion, might vote just as he pleased. That was very well so far as that person's own vote was concerned; but it was different with respect to the person who delegated the vote. He who held the proxy, might be convinced by the arguments which he had heard; but it did not follow that he who delegated the proxy was also convinced. "He, the proxy holder gives my vote, in that case, not as I am convinced, but as he is convinced. It is, in fact, a mere vicarious conviction. I live at a great distance—I intrust my proxy to a friend. He changes his opinion and votes accordingly; and what is the *sequitur?*—why, that my opinion is changed because my friend's opinion has been changed, although I may remain perfectly firm to my original impression." But, said his noble Friend, they vote by proxy elsewhere—they do so in the House of Commons. Yes; but there they hear the argument. He denied, however, that those persons were delegates. The sound constitutional doctrine was, that they were not delegates. They were, in fact, summoned by the Sovereign to consult and provide *salutem regni.*

Subject dropped.

POOR RELIEF (IRELAND.)] The Earl of Shaftesbury brought up the report of the Committee on this bill, which was received.

The Earl of Wicklow moved, as an amendment to the clause comprehending the operation of the bill, to substitute the word "townlands" for the words "electoral districts."

On this Amendment their Lordships divided:—Contents 9; Not-contents 24:—Majority 15.

Bill to be read a third time.

HOUSE OF COMMONS,

Tuesday, June 26, 1838.

MINUTES.] Bill. Read a third time:—International Copyright.

Petitions presented. By Mr. M. PHILIPS, from Hand-loom Weavers, and other Inhabitants of the Borough of Manchester, to repeal the Corn-laws.—By Mr. GILLON, from the Retailers of Ale and Spirits in Edinburgh, against the present system of Granting Licences in Scotland.—By Sir De L. EVANS, from St. Margaret and St. John, Westminster, for Improvements in that neighbourhood; and to the same effect from the Provisional Committee of the Westminster Improvement Company; also from the Westminster Reform Society, and from the Inhabitants of the parish of St. Clement Danes, against Plural and Proxy Voting in Parochial affairs, and for the repeal of the Poor-law Amendment Act.—By Mr. HUTT, from the Trinity-hall, Hull, against the Pilotage Bill.—By Mr. D. W. HARVEY, from the Guardians of the Poor of the parish of St. George the Martyr, Southwark, for an alteration in the New Poor-law.—By Mr. HUME, from the Prisoners for Debt in the Whitecross-street Prison, in favour of speedily passing the Imprisonment for Debt Bill.—By Mr. LOCKHART, from East-India Merchants of Glasgow, against the proposed reduction in the drawbacks on Refined Sugars.—By Mr. GLADSTONE, from the Bishop and Clergy of Montreal, to adopt measures for the Relief of Spiritual Destitution.—By Captain ALSAGER, from the Inhabitants of the Kent-road, against any further Grant to the College of Maynooth.—By Mr. F. FRENCH, from Delegates from the College of Surgeons, in favour of the Medical Charities Bill.—By the Earl of LINCOLN, from the Guardians of the Bingham Union, against alteration of the New Poor-law.—By Mr. GREENE, from Lancaster, against the Mails on Railways Bill.—By Mr. WILBRAHAM, from Magistrates of Lancashire, for an alteration of the Beer Act.—By Lord W. BENTINCK, from Glasgow, for a reduction in the rates of Postage.

CANTERBURY FANATICS.—RELEASING LUNATICS.] Sir *E. Knatchbull* rose to bring forward the motion of which he had given notice "for a Select Committee to inquire into all the circumstances connected with the discharge of John Nicholl Thom, *alias* Courtenay, from the Kent Lunatic Asylum." He had to beg the indulgence of the House while he stated the details of a matter which he considered of great importance. He much regretted, that the hon. Member for Lincolnshire should have taken on himself to describe the motion as one got up for the purposes of party skirmishing; the hon. Member would find, that he was altogether mistaken in his supposition. Nothing could have induced him to take the present, to him very painful, course, but a sense of public duty. It had been his fortune to sit in that House for many years, and he had been throughout that period, a political opponent of the noble Lord opposite; but he thought the noble Lord would concur with him in saying, that during the whole of that period, nothing except what was kind and courteous had passed between them. The remembrance of this circumstance served to increase the pain he felt in bringing this subject forward, because the question was one which personally affected the conduct of the noble Lord in the prosecution of his public duty. Immediately after the unfortunate occurrence in question took place in the county which he (Sir E. Knatchbull) had the honour to represent, he had felt it his duty to solicit the noble Lord for information on the subject; and on that occasion the noble Lord fully admitted that the conduct of all parties engaged in quelling the disturbance was perfectly justifiable and satisfactory; and that, in point of fact, they could have adopted no other course. This admission greatly limited the extent of the question which he had to bring forward. He could assure the noble Lord, that he had no intention of making an attack upon Government, or of criminating either the noble Lord, or the Master General of the Ordnance. All he wanted was, an inquiry into circumstances, the nature of which, in his judgment, and he believed also in the judgment of the noble Lord, called for inquiry. All he desired was, to have the facts of this lamentable and extraordinary affair thoroughly investigated, and laid before the House, and he could not imagine, that the noble Lord would oppose the appointment of a committee for such a purpose. All he required was, that the House would agree to the appointment of a committee, to inquire into all the circumstances connected with the discharge from the Kent Lunatic Asylum, of the man calling himself Courtenay, not for the purpose of reporting that some one was criminal, but to elicit facts, and place them before the House. In that view of the case, he was sure the noble Lord would agree with him. If any thing should fall from him, or from any hon. Member who should support the motion, tending to inculpate the noble Lord, then, indeed, would he admit, that the noble Lord would be justified in resisting the motion; but he again repeated, it was not his intention or his wish to introduce into the discussion one single extraneous topic, or one which did not touch directly and immediately upon the subject. It was with great pain he reverted to the calamitous event which had taken place in the county of Kent, arising out of one of the most extraordinary violations of the peace upon record. He believed it to be a very generally entertained opinion, that inquiry should be made upon the subject; but even if such were not the case, still would he maintain the justice of such a proceeding, out of respect to those who, he regretted to say, had been deprived of the benefit and protection of parents and benefactors, by the unfortunate event alluded to. That event was a topic of very general conversation, and he had been frequently asked since its occurrence, how it happened that a person circumstanced as Courtenay was, should have been let loose on the public? That was, in fact, the main question, and one which he hoped the noble Lord would be able to answer satisfactorily. In the year 1833, a person calling himself Courtenay was convicted of perjury, on the clearest evidence, and sentenced to three months' imprisonment, and seven years' transportation. Shortly after this period, it appeared that he was of unsound mind, and under the 9th of George 4th, by the direction of Lord Melbourne, he was removed from the gaol at Maidstone to the county asylum. There he remained until October, 1837, when a warrant was sent by the noble Lord, the Secretary for the Home Department, to the authorities of the asylum, whereby a free pardon was given to Courtenay. The first letter on the papers before the House was a request that Courtenay might not be discharged, until his father, or some one authorised by him, attended at the asylum to receive him. Now, he wished to ask, by what authority the man called Courtenay was detained in custody after a free pardon had been sent down to him? The detention after was clearly illegal. He was, however, shortly after liberated. The act of 9th George 4th, under which Courtenay was sent to the lunatic asylum, directed that such person should there remain until a certificate should be produced signed by two medical men, stating him to be of sound mind, and that then the prisoner should be taken back to the prison from which he was removed, to finish the term of his confinement, if not yet expired. What happened in this case? The noble Lord had certainly commenced his proceedings under the provisions of the 9th George 4th. He applied to the visiting magistrates to send a certificate, and received one regularly signed by two medical men, on the 8th of September, stating that the prisoner was of sound bodily health, but of unsound mind. Now, as far as he (Sir E. Knatchbull) had been able to ascertain, no further inquiry was made by the noble Lord as to the condition of this person; and yet on the 9th of October, a free pardon, with an order for his immediate discharge, was sent down from the Home Secretary's office. That was the point on which he wished for explanation. He could not see why the noble Lord, acting in the first instance under the Act of Parliament, that was to say, as regarded the medical certificates, should, without further inquiry, give an order for the prisoner's dismissal. He knew, it was said, that though of unsound mind, he still might not be a dangerous character. Now, he believed most conscientiously, that if the noble Lord had made inquiry in the county of Kent, he would have found that nine out of ten, nay ninety-nine out of 100 persons, were of opinion that this individual could not be set free, and allowed to be unrestrained in his actions, without endangering, to a serious extent, the peace of the country. He did not mean to say, that the consequences which flowed from his liberation could have been anticipated by the noble Lord, or that on the noble Lord devolved the responsibility of those results; but he apprehended that he should be able to show, from the papers on the table of the House, what were the circumstances under which, and the real ground upon which, the noble Lord had granted Courtenay his pardon and liberation. Those papers enabled him to say, that it was through the interference of the gallant Officer opposite, that this liberation had taken place. He was glad to find that the hon. and gallant Officer was ready to acknowledge that fact, and thereby throw his protection over the noble Lord. There was no letter, that he was aware of, from the gallant Officer; but there were two documents which had some how or other got into the Secretary's office, bearing date the 15th and 16th of August, 1837, which would suffice to show, that the Master-general of the Ordnance had requested the liberation of the prisoner confined in the county asylum. Now, the time at which this happened was immediately after the election for Cornwall, the declaration for which was made, he believed, on the 10th of August. The hon. and gallant Officer was acquainted with Mr. Thom, the father of the prisoner, and Mr. Thom happened to be an elector of East Cornwall, and one likewise who had voted for the two liberal candidates. The hon. and gallant Gentleman admitted, that he knew Mr. Thom, and he (Sir E. Knatchbull) knew that Mr. Thom had promised to vote for Lord Eliot, but that instead of doing so, he had voted for the hon. and gallant Gentleman himself, and his unsuccessful colleague. At the commencement of the observations which he had taken the liberty to address to the House, he ventured to assure them that he should state nothing which was not in perfect accordance with exact and authentic statements; and that he should not go beyond the facts which those statements furnished. He could go much further, but he persuaded himself that the House, from what he had stated, would feel perfectly satisfied, that he had laid a sufficient ground for his motion. He demanded inquiry, and, therefore, he did not enter upon his evidence in detail. He did not forget, that it had often been stated since these unhappy events took place, that proper arrangements had been made for the safe custody of the prisoner. He could not say, that sufficient precautions had not been taken—the information he had received might not be correct; but he certainly had been given to understand, that at the time these unfortunate proceedings were going on, there was proof at the Home-office of the state of mind in which the man called Courtenay, was. There had been, at the same time, a letter from a medical gentleman, addressed to the Secretary of State, demanding an investigation of the individual in question, and affirming that it was not safe that he should be at liberty. In addition to this, he was enabled to say, from a letter dated the 22nd of this month, which he had received from Mr. Tooke, the late Member for Truro, that that gentleman had made inquiry at the Kent lunatic asylum into the state of Courtenay, and there learned, upon testimony which could not be doubted, that his condition of mind was decidedly such as disqualified him from being left to his own guidance—that, in fact, it was exceedingly dangerous to allow him to go abroad. There was another circumstance which, in some degree, appeared to be connected with the case. Very soon after the election for Cornwall, William Thom and his wife, the parents of the unhappy lunatic, paid a visit to the noble Lord opposite, the Secretary of State for the Home Department, at his country residence in Devonshire. The House would observe, that the time chosen for this visit was rather remarkable; and he confessed, that he felt curious to know, what that introduction was, which gained for those parties access to the noble Lord. Coupling, then, these various circumstances of the election, the visit, and the liberation, he thought that he had laid a sufficient ground for an inquiry. He hoped that the noble Lord would accede to the appointment of a committee, and he hoped at the same time, that the noble Lord and the House would do him the justice to believe, that he would not, for any party purpose, bring forward such a motion. In his estimation, the criminal justice of the country was of far greater importance than any objects of party. That the Secretary of State should be exonerated from the imputations now cast, of indiscretion at the least, for he certainly did stand charged with indiscretion in the execution of his duty, was a matter of infinitely greater moment than any advantage which party could obtain by any motion in that House. The right hon. Gentleman concluded, by moving for a select committee to inquire into all the circumstances connected with the discharge of John Nicholl Thom, *alias* Courtenay, from the Kent Lunatic Asylum.

Lord *John Russell* said, I rise, Sir, with great pain, to address the House on this subject, because, whatever may be the judgment of the House or of the country with respect to this transaction, and however blameless I may feel myself as to any imputation that may be cast upon me for the part I have taken in it, in the exercise of my best judgment, as far as that imperfect judgment could be exercised, at the same time, I must feel, that this most calamitous circumstance has occurred during the time in which I have held the seals of the Secretary of State; and I also cannot but feel, that the blood which has been shed, has been shed by a person who owed his liberation to me. Therefore, with whatever other circumstances this case may be accompanied, it is one which has occasioned me greater pain than any other with which I have had to do, and will continue so to cause me pain. [*The noble Lord was here much affected.*] His Lordship proceeded to say, that he could have wished that some part of the right hon. Gentleman's speech had been omitted. He could wish the right hon. Gentleman had not given his confidence to some of the statements he had brought forward; but those were statements affecting others rather than himself, and there were none which should prevent him from acceding to the appointment of a Committee of Inquiry to institute an investigation with respect to this subject. He felt perfectly confident, that whether, as regarded the Secretary of State for the Home Department, or his hon. and gallant Friend near him (Sir H. Vivian), or the hon. Gentleman behind him (Mr. Turner), they had nothing to fear, nor had he anything to fear, from any inquiry that could be instituted by the House, or by any Committee of the House. He would not allude now to those parts of the right hon. Gentleman's speech which, as he had said, he would rather the right. hon. Gentleman had not introduced, but he would, in the first place, state what he considered to be the law on this subject, and then he would state what had been done by him in the exercise of the discretion vested in him as a Minister of the Crown. The right hon. Gentleman had not described, at any length, the provisions of the 9th Geo. 4th. The provisions of the Act were as follow:—

"Sec. 38. When any poor person chargeable to a parish is deemed insane, a justice of the peace, on due examination, may cause him to be sent to a lunatic asylum, and make order for payment of expenses; such insane persons are not to be removed without an order of two justices, unless cured.

"Sec. 39. Visitors of a country lunatic asylum may discharge and deliver up any pauper lunatic to his relatives and friends, on their undertaking that he shall no longer be chargeable.

"Sec. 44. Persons found, on examination before two justices, to be so far disordered in their senses as to be dangerous to be permitted to go abroad, may be sent by the justices to a lunatic asylum (as in the case provided for by sec. 38.)

"Provided always, that nothing herein contained shall be construed to extend to restrain or prevent any relative or friend from taking such insane person under their own care and protection.

"Sec. 54. Where any person is kept in custody as an insane person, by order of court, or by his Majesty's order subsequent thereto, two justices may inquire into their settlement, and make order for their maintenance.

"Sec. 55. If any person, while imprisoned under sentence of imprisonment or transportation, shall become insane, and it shall be certified by two physicians or surgeons, that such person is insane, the Secretary of State, may, by warrant, direct him to be removed to a lunatic asylum, and such person being so removed, shall remain under confinement in such asylum, until it shall be duly certified to the Secretary of State by two physicians or surgeons, that he has become of sound mind; whereupon the Secretary of State is hereby authorised, if such person shall still remain subject to be continued in custody, to issue his warrant to the keeper of the asylum, directing him to remove the person back to the gaol from which he was sent; or if the period of imprisonment shall have expired, that he shall be discharged."

Now, there was no provision in this 55th. section similar to those in the 39th and 44th, empowering the relations or friends to take charge of the parties; but, it was evident, that while Parliament did not think it necessary to give any such power with respect to the former case, with respect to the visitors of county lunatic asylums, it was considered necessary to define the power they should have. Any enactment restraining the power of the Crown would have been an encroachment on the prerogative of the Crown to pardon and discharge convicts, if it thought fit. If the clause he was referring to were capable of a construction to the contrary, it would lead to very absurd consequences, inasmuch as while any person of sound mind who had committed an offence might receive a free pardon, if the man was of unsound mind at the time, or after the commission of the offence, the Crown would not have the power of giving him a free pardon, or even of commuting his sentence. This would manifestly be an absurdity; but he did not understand the right hon. Gentleman to put such an interpretation on the statute. Such was the law of the 9th of Geo. 4th., with respect to insane persons; it took a certain care of persons who were lunatics, and whom it would be dangerous to themselves or others to allow to go abroad; and it also took care of criminal lunatics. Now, according to the enactments of that Act, there was nothing in the case of this person, as he should endeavour to show, supposing him merely to be a lunatic, which should have prevented him from exercising his powers as Secretary of State in a manner analogous to other cases, and giving Courtney up to his friends or relations, who would take care of him as any other lunatic was taken care of. But, then, there was the circumstance, that this person was a criminal. Let them, however, consider what was the criminality of which he had been guilty. If it had been an offence against the person—if he had committed murder, or if he had stabbed any one—then it would have been necessary to have taken peculiar precautions before confiding him to the care of any of his friends. But the offence was not one of that kind; it was perjury—an offence which he conceived might be committed by a person of unsound mind, who was, nevertheless, in all other respects, perfectly harmless. It was an offence, too, which a person of unsound mind might be very apt to commit, but which did not imply malignity or malice being felt by him, either against his fellow men or against any particular individual, If a person of sound mind committed the offence of perjury, he was liable to be sent abroad for seven years; but there were two ways in which he might be treated. If he were labouring under ill health, he might be kept on board the hulks instead of being sent abroad; if there appeared anything in his case entitling him to mercy, he might be sent to the Penitentiary. Being considered unfit to be transported in consequence of ill health, and being kept, therefore, on board the hulks, he would be confined there according to the ordinary course for a period of three years, and then he would receive a free pardon. If he were sent to the Penitentiary, the regular course would be to confine him there for two years. But the case of this person was, that he had been kept four years in confinement, under the order of Lord Melbourne, in the lunatic asylum in the county of Kent. As regarded him, he considered that the provisions of the 9th of George 4th applied, which declared that such persons might be given up to their friends, provided there was nothing extraordinary in the circumstance at the time. As a criminal he had undergone a greater extent of confinement than he would have undergone on board the hulks. Such being the state of this person, he would next refer to the circumstances which induced him to consent to his release. The noble Lord here referred to a letter which he had received from Lord Denman respecting the case of a lunatic who had committed murder, and stating his Lordship's opinion with respect to the confinement of such persons when it was once ascertained that they were not in a sound state of mind. In reply to Lord Denman he declared that great precaution ought to be used before persons were set at liberty who had committed violence while in a state of insanity. He referred to those letters for the purpose of showing the manner in which he thought these cases ought to be viewed when personal violence had been committed or attempted. Here, however, the person in confinement was in a very different situation. He had been convicted of a very ordinary description of offence, and no life had been threatened, and no act of violence committed. John Nicholls Thom had been convicted of perjury, and he had been four years in confinement in a lunatic asylum. The right hon. Gentleman was perfectly right in saying that he had seen the father of Thom while he was at Endsleigh, some time in August last year. He had now come to a part of the case in which he thought the right hon. Gentleman had deviated from the course which it would have been necessary for him to have pursued, if he had wished to keep the case free from party. If the right hon. Gentleman had wished to make it a case of the mere exercise of the prerogative of mercy, or the exercise of discretion in the case of a criminal lunatic, he did not think that it was at all necessary for the right hon. Gentleman to impute motives to him nor to connect the recommendation of his hon. Friend near him with the election which then took place. He did not remember, that the father of Thom was recommended to him by any one. He knew that at Endsleigh he saw but few persons on anything connected with official business. He was told, that a person wished to see him, and very often persons connected with the property, farmers in the neighbourhood put questions to him unconnected with official duties, and probably the reason of seeing the father of Thom was, that he supposed that Mr. Thom was one of those persons wishing to consult him. Generally speaking, with regard to criminal cases, he was very unwilling to see persons connected with the prisoners; and as it was very disagreeable especially as far as regarded the exercise of his duty, as to the advice which he might find himself obliged to give, it was very probable that if Mr. Thom had written to him previously, as to the business on which he wished to speak to him, he should not have seen Mr. Thom. All he remembered of the interview was, that Thom appeared to be an old person, apparently in a respectable situation, seemingly a farmer. He was accompanied by his wife and both appeared to be in great distress at the confinement of their son in a lunatic asylum. They said, they had been there, and the persons they saw told them that no danger was likely to arise from his liberation. He told them as he had before stated to the House, that even putting aside the question of immediate danger from a person confined in a lunatic asylum, he could not be liberated without proper care being taken of him lest he should relapse into any paroxysm of insanity. They promised, that the utmost care should be taken of him by themselves, and that their son had a sufficiency of property to pay for the utmost care being taken of him. That interview took place in August, and the order for the liberation of John Nicholls Thom was not given until the month of October. During that time application had been made to the visiting justices of the lunatic asylum with respect ~~to~~ the state of Thom. A correspondence took place between his right hon. Friend and himself on the subject, but he supposed it was in a private letter which was lost, or it was not improbable it was discussed in private interviews between them as his right hon. friend was on a visit with him about that time. The visiting justices referred to the certificate of the medical superintendant, which merely stated, that the man was a lunatic, fancying himself a knight, and having a right to an estate and to a castle. That certificate was dated the 8th of September, and the man was liberated on the 3rd of October. Now, he had to ask, if the apprehensions which the right hon. Gentleman had referred to, prevailed in the county of Kent as to Thom being a dangerous person, and likely to commit personal violence, if that were the general opinion in the county of Kent, was it not likely that the visiting magistrates would have sent some account of their being apprehensive of danger from his liberation? The right hon. Gentleman might say, it was their wish to avoid all interference with the matter. Could, he asked, any thing incline them, from political motives to refuse giving information to the Secretary of State. He believed the truth to be this, as the right hon. Gentleman had, on a former night, stated it, that neither the magistrates nor any one else thought that Thom was likely to be at all dangerous, if placed under proper care when released from a lunatic asylum. He considered the conduct of the father of Thom very extraordinary; for he had engaged to him—and the man had admitted it in a letter which he had sent—that proper care should be taken of his son; but, instead of providing for him as he ought to have done, he delivered him over to a person named Francis, a friend of Thom, and a person not fitted for such a charge. The right hon. Gentleman had made an allusion to the connection between the Cornwall election and the liberation of this man. He could assure the right hon. Baronet he was totally ignorant of any such connexion; he had never inquired into the politics of the father or of the son. With regard to his right hon. Friend near him, he would explain his own conduct. All he knew was, that his right hon. Friend never spoke to him about the politics of the father or son. It was not until about eight or ten days ago he had seen a paragraph in *The Standard* newspaper, in which it was declared, that this person, the Father of Thom, had voted for his right hon. Friend at the last election. His right hon. Friend, who sat on the bench near him, stated, that he did not know of it before, that he had not the least conception that the man had voted for him; but he said, he would go and ascertain whether it was the fact or not. That was the answer of his right hon. Friend to him. He must say, then, with all the wish of the right hon. Gentleman to avoid party politics, he should not have laid himself open to the charge preferred against him before the debate began, and that the right hon. Gentleman ought not, wishing to avoid it, to have connected the Cornwall election with the exercise of the discretion of the Secretary of State. For himself he would say, whether he exercised his discretion properly or not, he left to others to judge—but this he would say, that never yet had any decision been come to less connected with politics than this had been, and less connected with the election of any members of that House; and, he might add, that no decision more perfectly free from party feeling had ever been come to by any person filling the office which he then occupied. He had not the smallest conception that it was making for or against a party. With respect to the mischief that had occurred, he thought that the right hon. Gentleman was not right in saying, that the liberation of Courtenay had occasioned the calamity. He must say, if he had not the information upon the best authority, if he had not seen and received the accounts that had been transmitted to him, he could not have believed, that such utter and entire ignorance prevailed in Kent, as that credence could be given to that person. There had been at different times a discretion exercised by the Secretaries of State with respect to such persons, and yet, if any calamity had afterwards arisen from the liberation of persons so situated, he wished to know, if it was the opinion of the right hon. Gentleman that all such cases should be made matter of crimination against the Secretaries of State? He referred to the case of Stephen Warder, a man convicted of assault at the Middlesex sessions, and delivered over to his friends for the purpose of being put in a lunatic asylum; William Willins, found guilty, in 1812, of murder in a state of insanity, and delivered over to the overseers of the parish. He could say, that it was not his intention to exceed or go beyond the power of former Secretaries of State. He might have acted unwisely, or not exercised a sound discretion in liberating that person; but he wished the House to consider, that it was not because unhappy events had followed, that he was, on that account, to be considered the occasion of them. There were several cases brought before him for the purpose of his giving his decision respecting them. They related to prisoners acquitted on the ground of insanity. It had been stated, that personal solicitation was found to have effect in those cases that had been brought before him, and that he had imprudently given way in those cases. He would only say, that he had exercised the best of his judgment in those cases. In the greater number of cases he refused the applications, as he thought he better guarded the public from acts of violence by refusing the liberation of such persons, than by acceding to a request that lunatic persons, found guilty of murder, or of any act of violence, should be liberated. Even in some of those cases, however, he thought he had not overstepped his duty in consenting to the liberation of such unfortunate persons. He remembered the case of a woman who had committed child murder while she was labouring under insanity. The crime was the consequence of delirium. On the assurance of her family that she should be taken care of, and that they would guard against any return to insanity, she was given up to them. He could not say, that another murder might not be the consequence of that liberation. Was he to feel responsible for it? His opinions might be erroneous. The exercise of his discretion might be unwise; but all he could say was, that he did exercise that power, which he felt to be one of extreme difficulty, and very painful in its exercise, in the way which he thought was the most conducive to the ends of public justice, and at the same time so as not to inflict upon individuals greater pain than was necessary for the ends of public justice. With these opinions, and with these sentiments, he readily concurred in the appointment of a committee, and he hoped that when that committee was appointed, it would be influenced more by the desire to judge soundly, sanely, and wisely, than to indulge in the hope of making out a case which might inflict party or political injury.

Sir *Hussey Vivian:* "As I have been so distinctly referred to by the right hon. Baronet, I hope the House will so far indulge me, as to hear my reply to what has fallen from the right hon. Baronet. I rejoice in the opportunity which has been afforded to me of replying to him, and of refuting the calumnies which have been so lavishly put forward, not only in party newspapers, but as the right hon. Baronet himself has stated, have been made a subject of public conversation. I myself have not read any of these paragraphs, except one, which appeared in *The Times* newspaper; but I understand, that many paragraphs of a similar nature have appeared in party newspapers. Those paragraphs have stated, that the vote of the father of the unhappy man was made by me the condition of his release. A calumny more foul, a charge more false, was never yet made against any man on the face of the earth. I trust, before I sit down, thoroughly to satisfy the House of this. In another place a noble Lord referred to the release having been gained through the means of a county Member, as if that release had been tainted with corruption. A noble Duke, too, in the same place gave his opinion upon the subject. That noble Duke whose good opinion, beyond all others, I am anxious to possess, had stated that the discharge of Courtenay had been brought about by influence, as if he did not think it was clear from corruption; and the right hon. Baronet in bringing forward this motion said, he had no desire to criminate any one; he declared, indeed, that it was not his wish *spargere ambiguas voces*—certainly he has not been at all ambiguous—for he says, if he has said any thing, that he distinctly imputed the release of the unfortunate man to a vote given at the Cornwall election. The right hon. Baronet has stated, that he is in possession of documents which contain information not fitted for this House, but only to be produced upon a committee. I call upon the right hon. Baronet to say whether or not his information is contained in an anonymous letter. Has he, or has he not received an anonymous letter. Will the right hon. Baronet have the goodness to give me an answer? I now tell the House that it has been stated to me, that he has received an anonymous letter, and I now ask the House whether it is fit, or proper, or becoming, that an anonymous letter should be brought up as the means of substantiating an accusation against an individual. During my life I have received many anonymous letters, but I always treated them with the contempt that they deserved, or I put them into the hands of the individual who was attacked in them. I should like to know are the right hon. Baronet's suspicions made up of such materials? What part of my life could have given rise to his suspicions? What have I ever done that could make the right hon. Baronet suppose that I could be guilty of what he has charged me with? The right hon. Baronet once came and asked me a favour in my office [Sir *E. Knatchbull* was understood to express dissent]. Do you say it is not so? Does the right hon. Baronet say that such is not the fact?

Sir *E. Knatchbull*: I have not the slightest idea of what the right hon. Gentleman is referring to.

Sir *Hussey Vivian*: You came to my office and asked me—I ought to say the right hon. Baronet came to my office, and he stated he had a favour to ask of me; it was to place his brother in the Horse Artillery. I now ask the right hon. Baronet, did I make it a condition of granting him that favour that the right hon. Baronet should come and give his vote to this side of the House? And I would as soon have insulted the right hon. Baronet by asking that from him, as I would in asking the meanest individual in Cornwall that the condition for the release of his son should be his giving me his vote. I say that there is no part of my conduct through life which can give any man the right to suppose, that I could be guilty of such conduct. I can only state, most distinctly, that it is within this week, and this I say upon my honour, that I ever heard that this man had voted for Sir William Trelawney or for me. When my noble Friend asked me the question if he had done so, I was not aware of it. Having thus pledged my honour to that fact, I believe I might sit down. During a service of fifty years in a profession particularly sensitive as to the point of honour, I believe, that after the pledge I have given, I might let the case rest here. But I wish now to show to the House, shortly and distinctly, and by document, that the release of that poor man could have had nothing to do with the election for Cornwall. It was not necessary for me to get votes for the county in that way." The hon. and gallant Member then proceeded to say that his opponent was five weeks in the field before him. He had himself never canvassed. He had attended some markets and fairs and he might have brought his influence to bear upon many voters who had promised his hon. opponent, but he declined exercising it. He said to every man who declared he had promised to vote for his opponent that he would not ask any such person to break his word. He wished now to show distinctly, that the release of Courtenay had nothing to do with the county of Cornwall election. His hon. Friend, Mr. Turner, had given a letter to Thom's father, but when it was delivered to him he could not recollect—he could not say whether the letter was brought to him before or after the election. The right hon. Baronet was mistaken in supposing, that he knew Thom's father. He should not know him if he entered that House; but he knew, that there were some of Thom's connexions in the neighbourhood of St. Columb. A friend writing to his hon. Friend on the subject said this:—

> "I have but now seen Mr. Thom, at Mr. Ferris's request. He informs me, that it was about a fortnight after he received your letter that he delivered it to Sir H. Vivian, at Bodmin. There was a public meeting there on that day, and as Sir H. Vivian left the room, Thom gave him the letter, and asked his permission to write to him on the subject of his son, which was granted; nothing else took place."

He understood, that the letter was not delivered to him until after the 16th of August. This letter enclosed one from his unfortunate wife. Now, let any hon. Member look to the two letters and see whether it must not of necessity have been the case, that this was the first time he must have heard of the transaction. It was impossible that he could have seen any of the family before these letters were received. The election took place on the 8th of August, and the letters he referred to were dated the 15th and 16th of August. He had also another letter, which was sent to him by the mother-in-law of Thom. It was as follows:—

> "To Sir Hussey Vivian, Bart.
>
> "Sir,—My husband, Mr. Thom, of St. Columb, having spoken to you at Bodmin respecting his son, and you having kindly promised to receive with attention a letter from him, will, I trust, prove my apology for now troubling you. I am on all occasions his amanuensis, as the gout in his hands prevents him from using his pen, and should I be too prolix in laying before you the particulars of the case, I hope, Sir Hussey, you will pardon me, for I am interested, deeply interested in it; he is my husband's only remaining child; his private character before he left his home (Truro) was exemplary, and far better known to Mr. Turner, their present Member, than to myself, who have been his step-mother but a few years.
>
> "The young man in question (and for whose liberty I now solicit your benign influence, with our august and lovely young Queen, who has recently ascended the throne, and whose reign, under the blessing of divine Providence, will, I hope, be long and happy,) was, from an epileptic attack at the commencement of the year 1832, deprived of his senses; he left his home, and travelled under the fictitious name of Sir William Courtenay; unknowingly (it was evident), he swore falsely, was convicted of perjury, and sentenced to transportation, before any of his friends, who were offering large rewards for discovering him, knew where he was; his insanity was then clearly demonstrated by the physicians who attended him, and he was confined in an asylum in Kent; he is now much better and wishes his liberty; his private property is good, sufficient to make him comfortable with his friends.
>
> "I will now rest satisfied, that I have put his case into the hands of a Gentleman, a Minister of the Crown, whose public character as a soldier and a friend I revere, and who stands so high in the estimation of our whole neighbourhood.
>
> "I am, Sir Hussey, totally unacquainted with the etiquette used in laying such a case before her Majesty, yet I feel assured, if you will condescend to undertake it, her tender and philanthropic heart will listen to you, for he has been guilty of no crime.—I have the honour to subscribe myself,
>
> "Respectfully, your most obedient,
>
> "SUSAN THOM.
>
> "St. Columb, Aug. 30, 1838."

He asked whether, when an application of this kind was made by the father, the mother-in-law, and the wife of the unhappy man, he was wrong in forwarding the application. He found, upon looking to a Parliamentary return, that the discharge of lunatics from asylums was not an uncommon transaction. He found eighteen discharged from Chester; thirty six from Cornwall; from Derby forty-five; Staffordshire, ninety-four; and in every other county men were so discharged. Was there, then, anything extraordinary in his asking for the discharge of a madman? He was told, indeed he always understood, that no man could be guilty of a crime who was labouring under insanity. It seemed extraordinary, that his noble Friend had not taken any precaution, when he had made previous inquiries, provided the man were of the dangerous character alleged. But if that were so, why had his medical attendant not said a word on the subject? Upon the promise of the father, therefore, to take charge of his son, Lord John Russell listened to his (Sir H. Vivian's) address in his favour, and set him at liberty, having previously in his opinion, taken every reasonable precaution that no ill consequences should result from his liberation Now, he must say, also, that if the man was as dangerous a lunatic as alleged, it was rather extraordinary, that between October and May no representation had been made from the county of Kent on the subject. He deeply deplored the event which had recently occurred; but he also deeply regretted, that that state of ignorance should exist in that part of England where civilisation first took foot in this country, and which might be termed the head-quarters of the Established Church, which should admit of the possibility of such an occurrence. In conclusion he had only to observe, that if it should be deemed desirable to have an inquiry on this subject, he should give his vote in favour of it.

Mr. *Turner* said, that he had known this unfortunate man, Thom, for twenty years, and his object in rising was, first to do justice to the statement and character of his hon. Friend (Sir H. Vivian), and secondly, to rescue the character of poor Thom from the imputation of being an incendiary. The hon. Member was understood to say, that in 1821, Thom had been the articled clerk of one of the first solicitors in the county of Cornwall; and he would state to the House the character which had been given of this man at that period, by an eminent attorney who was a great partisan of Lord Eliot's at the last election. The attorney said, that he had known Thom as a boy a few years older than himself, and that he did not recollect any instance in which Thom had evinced a cruel disposition. He was generous, open-hearted, and humane, and if in his right mind would have been one of the last men in the world to do a cruel action. After that period he himself became acquainted with Thom. He had been concerned in large mercantile transactions, perhaps the largest in the county of Cornwall, and he had selected Thom to superintend his establishment. Thom had served him faithfully, honestly, zealously, and justly for several years, and when he retired from business, he made Thom his successor. He intrusted Thom with a large capital, and it was only truth to state, that Thom had fulfilled honourably all his engagements towards him (Mr. Turner). Why, then, should he not perform towards Thom this act of duty in speaking the truth of him? At the end of the year 1832, Thom left Truro for Liverpool with a considerable amount of property in malt. That property was converted into money, and he would now read to the House the last letter which Thom had written to his family before he became insane. The letter was dated May 3, 1833, and he addressed his wife in the most affectionate terms:—

> "Liverpool, May 3, 1832.
>
> "My dear wife,—I merely write to inform you that I have just discharged the malt, which has given every satisfaction to the purchaser. The measurement has exceeded my expectation by twenty-four Winchesters. There are the malt sacks in the vessel, and also about half a bushel of the bottom scrapings; this you will get screened immediately. I am well and in good spirits (thank God for it). As I shall write you again in a day or two, my letter will be short. The letter you will receive by post, shall contain all I have to say, and as it will be subsequent to this, I need not prolong. I have paid the Captain of the vessel all the freight. With my kindest regards to all, I remain, yours affectionately,
>
> "J. N. Thom:
>
> "In haste with bad materials."

From the date of that letter they heard nothing from him for some months. It appeared, however, that in the interval, he had gone down to Canterbury, and that he had succeeded in gaining 950 votes there, and that was the strongest proof of his insanity that could be adduced. The House had heard of his subsequent proceedings. Nothing like them could have occurred in any other part of the country. They had, however, taken place, and within so short a distance of the head-quarters of the Church in England as to make men afraid of what might be passing at a distance from them when such absurdities could be perpetrated in their immediate vicinity. The hon. Member read a letter, beginning, "My dear Sir William Courtenay." Here was a person who was not Sir William Courtenay, who was nevertheless addressed by that title. It was signed "Gordon and Francis." There was another letter addressed, "Sir William Courtenay, Knight of Malta." These were from Kentish gentlemen, who styled him thus, though they might have known him to be plain John Nicholls Thom. This letter said, "I am grieved to hear from Miss O. that you are not so well as I could wish. I am fearful you are not allowed to take exercise sufficient for your health. Let me persuade you to take exercise in your room if you are not allowed to take it in the open air." Thom's friends came to him to interest himself, and he said he would go to Sir Hussey Vivian. The hon. Member read the answer of Thom's father to certain questions put to him by the hon. Member:—

> "'Did I ever ask you to vote?' 'No.' 'Did Sir Hussey Vivian ever ask you?' 'No, never; I only saw him for five minutes.' 'Had you not promised to vote for Hussey Vivian before I gave you a letter to Sir Hussey respecting your son?' 'Yes, months before.' 'Did you promise to vote for Lord Eliot at the general election?' 'I was once asked, long before the general election, if I would give him my vote. I did not decide immediately; I considered myself independent, to vote according to my own mind. I had long before given my vote to Mr. Whitfield for Sir Hussey Vivian and Sir W. Trelawney.' 'Last week I think you went to see Lord John Russell; did you take a letter to Sir Hussey Vivian?' 'No, I did not; the only letter I received from Sir Hussey Vivian is herewith forwarded to you.'"

Having put these questions and received these answers, he would show, that the very letter which this person supposed he received from Sir Hussey Vivian, he did not receive from him, but from his secretary. It was dated the 7th of September, 1837; it merely acknowledged the receipt of a letter of the 13th of August, and there was not a word about the election in any one of these letters. He would tell the House that he suggested to the family of Thom to apply to Sir Hussey Vivian, and he promised to point out to the hon. and gallant Baronet, what could be done for them; and on referring to the dates of the letters, which were the 15th and 16th of August, it would be seen, that they could not have influenced the election which closed on the 8th of August. He had been informed that the unfortunate lunatic had suffered from confinement, and that his health had been seriously injured. He had a money interest in the death of the man; he paid him an annuity for his life, and any influence he exerted to effect his liberation was disinterestedly exerted. He apprehended that every Gentleman in that House, under similar circumstances, would have acted in the same way. From the correspondence he thought the magistracy would find it hard to get out of the matter with clean hands—he wished to God they could. If such things had occurred to him, under his own nose, he should have insisted upon an inquiry being instituted. Why did Mr. Francis keep the man in his house, and not send him to his friends in Cornwall? Why was his wife not informed? The day before he died she received an anonymous letter, and the next day there was a letter from Mr. Gordon, and on a comparison between that and the anonymous letter, it was as clear as that two and two make four that both letters were the hand-writing of the same man. The letter said, "Your husband is dead, come and bury him." A man who could write to this man's wife and say "Your husband is dead, come and bury him," was no credit to the gentlemen of the county of Kent. On the 19th of October, 1837, a correspondence took place with Mrs. Thom, of St. Colomb, the step-mother of Thom, with reference to a letter of Mr. Maule, dated the 5th of October, addressed to the father of the unfortunate man, with reference to his liberation from the lunatic asylum, on the application of his friends. He did not think the unfortunate man ought to have been released without the attendance of some of his friends. But the superintendent of the asylum stated, that two of the visiting magistrates had been of opinion that he should be justified in releasing him, and he accordingly left the asylum. This showed that two of the visiting magistrates, who were supreme in these matters—

Sir *Robert Peel*: Was this after the warrant for free pardon?

Mr. *Turner*: Yes; but what was the condition of the free pardon? "It is requested that William Courtenay may not be discharged till his father, or some person acting for him, attends at the asylum to receive the prisoner." The release took place under the eyes of the magistrates, and they must, of course, have believed he was in a sound state. When it was considered what mischievous and fatal consequences had followed in the county of Kent, that it was with the knowledge of the magistrates that this unfortunate man had been enlarged, and that afterwards he was suffered to traverse the country with a number of followers, most of them armed, and that a person could not be found who would apply to have him confined and prosecuted, whereby the county would have been spared these scenes; he thought much blame was imputable somewhere.

Mr. *Handley* observed, that he had ventured, on the part of those who had sent him to that House, to protest, during the irregular discussion which took place before this motion came on, against the abandonment of the public interest involved in a debate on a question of a party nature, and of a party quarrel. He had been stopped at this observation, he was sure very properly, by the Speaker, and prevented from going on with the subject any further. The right hon. Baronet opposite (Sir E. Knatchbull) disclaimed, at the commencement of his speech, anything like party feeling, and denounced, in the strongest terms, the imputation which his (Mr. Handley's) remarks conveyed; but in the course of that speech he furnished him with a complete justification of what he had felt it his duty to state. To those who paid attention to the right hon. Baronet's speech, there was not only in his matter but in his manner an evident party zeal, which displayed itself in the minute details into which he entered, to show how the relatives of Thom and how he himself voted, as well in an attempt to prove, that the return of his right hon. Friend was connected with this poor man's release. The right hon. Baronet also stated, that, in the conversation in which he took part, the general complaint was, that such a person as Thom should have been released. He could only say, that relatives near and dear to him had perilled their lives in order to prevent this occurrence, and one of them, Major Handley, formerly a Member of that House, was fired at by this unfortunate person; and when he rode up to ask this person to surrender himself (which he did not find by any of the papers on the table that the magistrates had done), he was placed between two fires, and narrowly escaped with his life. It was natural, then, that he should make inquiries into the matter; but he must say, that he did not find in everybody's mouth the exclamation, "Why was this man released!" But the universal matter of astonishment was, that such things should have been allowed to exist in the county of Kent, and that there could have been found in that civilized place unfortunate, ignorant, and misguided wretches, susceptible of being acted on by this deluded man in the manner that had been proved. He should feel justified by the strong and almost universal support by the public, of the view which he took in preventing this subject of reproach from being stirred any farther in that House did he not think, that inquiry was called for in justice to the noble Lord (Lord J. Russell), and his right hon. Friend (Sir H. Vivian). He felt it incumbent on him, however, to move, in addition to the motion of the right hon. Baronet, Sir E. Knatchbull, calling for an inquiry into the circumstances of Thom's release, these words, "and also into the state of education of the lower orders of East Kent, the scene of these occurrences." He believed, that if the House acceded to his motion it would produce one good effect, that the committee would not sit for nothing, but would at least arrive at the conclusion that if hereafter any unfortunate lunatic should happen to be discharged he should not be allowed to go at large in East Kent, where so many ignorant and fanatic people dwelt.

Lord *Albert Conyngham*: Connected as I am with the city where this unfortunate maniac rendered himself so notorious, I think it right to acquaint the House that it was not the lower orders alone that have been the partisans of this madman. The most respectable individuals were so blinded by party feelings as to vote for him when he was a candidate for the representation of the city of Canterbury. Two most respectable Conservative tradesmen proposed and seconded him as a fit and proper person to sit in this House. Gentlemen of liberal professions, and even a clergyman of the Church of England, all of Conservative politics, voted for him; and it is not the least lamentable part of this man's history, that in the nineteenth century, gentlemen should be found, so carried away by party feelings, as to wish to see as a Member of this House, an individual whom the hon. Member for East Kent has stated to have been notoriously a dangerous maniac.

Viscount *Howick* said, that he should, in the first place, express his hope that his hon. Friend (Mr. Handley) would not press his amendment, because, though he concurred in many of the observations which fell from his hon. Friend, he feared it would not answer the purpose of clearing up in public opinion the circumstances out of which this unfortunate transaction sprung. He also rose for another purpose, and that was to entreat the House to suspend until to-morrow the nomination of the Committee for which the right hon. Baronet had moved. He, like his noble Friend, was most anxious that this subject should be fully and fairly investigated, which he thought was absolutely necessary after the statement made by the right hon. Gentleman, and the invidious insinuations with which his whole speech was filled. This was a question which ought to be investigated, particularly after the temper which had been displayed by those who were not justly liable to the imputation of entertaining the strongest and most eager opinions in politics. He, thought the Committee should be composed of men of high station and experience—men in whose character and judgment even their adversaries placed confidence. There were such men to be found on the other side of the House. It was unpleasant —it was deeply painful—to him to make observations on this Committee, according as he found by the paper it was intended to be moved by the right hon. Baronet. But having communicated with the right hon. Gentleman, and having met from him a positive refusal to adopt any suggestion as to what he (Lord Howick) conceived to be an improvement in the formation of the Committee, he had no resource but to bring another list before the notice of the House, and to call on the House to defer the nomination to another day, when they might have an opportunity of considering the list of the right hon. Baronet, and that which he submitted, to declare which of the two was most likely to give a fair and impartial determination on this subject. He should read the list of the right hon. Baronet and that which he meant to propose. He did not mean to propose any alteration as to the Gentlemen selected from his own side of the House; nor did he mean to substitute for any of those on the other side any Member who agreed with him in opinion. He was content, that there should be, according to the present proposal, eight Members from the Opposition, and seven from the Ministerial side; but he asked, in common fairness and justice, that the eight Gentlemen selected from the other side should be persons who, from their experience, character, and station, united, as much as was possible, the confidence of both parties in that House. He trusted that the House, as well as the right hon. Baronet (Sir R. Peel), would feel convinced from his long experience in the office which was now concerned, as well as from his talents and character, that he was the most fit person to pronounce an opinion on this subject. In the right hon. Gentleman's honour he had the utmost confidence, and he had no hesitation in committing the case of his noble and right hon. Friends to the right hon. Baronet's hands. He trusted, that the right hon. Baronet whom he thus appealed to, would not refuse to serve on this Committee; because, there was no use in mincing the matter, his noble and right hon. Friends were called on to answer no less a charge than that of prostituting their high power and authority—of debasing and degrading in the eyes of every honourable man, by employing them for the meanest and dirtiest of political and party purposes, those powers which were committed to their hands for the purpose of securing the due administration of justice to all classes and all ranks in this great country. This was no light or ordinary charge to be brought against public men; and it was the more invidious, because not openly and directly made on matter to form the ground of an act of impeachment, but conveyed by the strongest insinuations, with a professed absence of all party topics. With these observations he should take the liberty of reading the two lists; and in doing so, he begged to be understood as not throwing the slightest imputation on those whom he meant to omit, though he must with fairness admit that there was one hon. Member whose name was proposed by the right hon. Baronet who did appear to have his feelings strongly excited on this subject—he meant the hon. and learned Member for Aylesbury (Mr, Praed), as he cheered very heartily all that fell from the right hon. Baronet respecting the Cornwall election. Now, as there were some on the right hon. Baronet's list who appeared to be very strongly actuated by party feelings, so there were others of less experience and less station in that House (he spoke with all due respect) than those whom he proposed to substitute for them. The list proposed by the right hon. Baronet was as follows:—Sir E. Knatchbull, the Earl of Lincoln, Mr. Fox Maule, the Marquess of Chandos, Viscount Howick, Mr. Praed, Mr. Shaw Lefevre, Mr. Darby, Mr. Harvey, Lord Hotham, Mr. Langdale, Sir H. Hardinge, the Solicitor-general, Mr. Plumptre, and Mr. Pendarves. The list he proposed omitted the names of the Earl of Lincoln, the Marquess of Chandos, Mr. Praed, and Mr. Darby, and proposed in their places those of Sir Robert Peel, Sir R. Inglis, Sir T. D. Acland, and Mr. R. Clive, and he hoped, that the House would concur with him in thinking that these lists ought to be printed with the votes, and taken into consideration to-morrow or some future day.

Mr. *Praed* said, the direct allusion which has been made to me is the only reason why I present myself to the House. I do not refer to the conduct of the noble Lord, and say which of us has exhibited a greater disposition to treat a subject of great judicial investigation in a factious spirit; neither will I refer to the speeches of those who have addressed the House further than to say, that they failed to establish, in my mind, a charge which, if proved, I considered one of a most flagrant character, and which related to a subject of great and grave importance, calling for the serious attention of the House. It was in that view and with that feeling that I testified the attention which I thought the question demanded by the cheer which I gave. I profess my conviction to be totally free, except so far as it has been biassed by the observations the right hon. and gallant Gentleman (Sir H. Vivian), who has partly satisfied my mind, by a reference to dates in his favour; but I now consider myself in the position of a challenged juror, and I therefore think I am at liberty to protest, in the name of the noble Lord beside me (the Marquess of Chandos), and the others similarly circumstanced — particularly as I am persuaded no notice of the matter will come from them—against the superfluous, gross, and unnecessary affront put upon the Members to whom the noble Lord has objected. Having, at the request of the right hon. Baronet (Sir E. Knatchbull), agreed to serve on this Committee, and being prepared to do my duty fairly and impartially, I must now consider myself released from taking any part in that proceeding.

The Marquess of *Chandos*: Having been requested by my right hon. Friend (Sir E. Knatchbull) to sit on this Committee, I feel that I should not be doing my duty to myself, or to those who sent me here, if I were for one moment—after the insinuation which the noble Lord has presumed to throw on my character—to hesitate in requesting my right hon. Friend to withdraw my name. And in so doing I do not in any way wish to be understood as consulting the noble Lord's (Lord Howick's) feelings about me, for of them I am perfectly careless; but I never will allow the noble Lord, or any man, to criticise my conduct as an independent Member, or to throw any doubt on the honesty of any verdict which it may be my duty to give.

Mr. *Darby*, having been requested to sit on this Committee, felt bound to admit that if the right hon. Baronet was selected on the ground of superior abilities and greater experience than those whose names were proposed to be omitted, all must have concurred in the election, but he wished to know from the noble Lord (Lord Howick) on what grounds he asserted that his honour was not as unimpeachable as that of the right hon. Baronet.

Viscount *Howick* had not the smallest difficulty in stating that he did not throw the slightest imputation on those hon. Gentlemen whose names he proposed to omit. He appealed to those hon. Gentlemen who heard him, whether he had not expressly used the words, that he meant no disrespect to those whose names he proposed to omit. All he said was, that he thought there were others of superior qualification in point of experience and station in that House. Of course nothing could be farther from his intention than to offer to any of those Gentlemen what the hon. and learned Member who had last spoken seemed to feel was a personal affront. Nothing but necessity could make him ake the course which he had done, for on communicating privately with the right hon. Baronet, he refused to curtail even one individual name at his (Lord Howick's) suggestion. The necessity, then, of making invidious comparisons was not one of his seeking; but, in justice to his noble and right hon. Friends, though they did not object to the nomination of the right hon. Baronet (Sir E. Knatchbull), he felt it his duty to make the proposal which he had submitted.

Sir *R. Peel* said, that as a proof of the fair intentions of his right hon. Friend (Sir E. Knatchbull), supposing that his (Sir R. Peel's) qualifications were such as the noble Lord had described them to be, over-estimating he must think his pretensions to be on the Committee as compared with those of other Members, he was bound to state, that his right hon. Friend had some time since asked him whether he would be willing to serve on it, and he had distinctly replied that he would rather not be placed upon it. He had thought that, as the world at least must consider his position with respect to the noble Lord to be one of constant collision in political matters, it would be infinitely better that he should not be placed on the Committee. Besides, he was a member of so many committees, that he found it utterly impossible to discharge the duties which in consequence devolved upon him. He must now state to the noble Lord, that for him now to serve on the Committee was quite out of the question, after the manner in which the request had been made to him. He had suggested to his right hon. Friend, and he understood him to acquiesce in the propriety of the advice, not to appoint a Committee which should have the power of expressing any opinion on this subject, thinking the matter too important to be left for decision by any selection of Members that could be made, but to restrict the duty of the Committee to the presentation of the evidence taken before it, and to debar them from making any report. That being the case, it appeared to him of comparatively little importance on which side the numbers might preponderate, though it would be of the utmost importance in the event of their having to express an opinion on the conduct of the noble Lord and the other parties accused. He had not heard the names intended to be proposed by his right hon. Friend till that day, but he felt bound to say, that he did not think it would have been possible to select any hon. Gentlemen on that side of the House in whose integrity and ability the public would have greater confidence. He could not acquiesce in the propriety of the course which his noble and hon. Friends near him had thought fit to take, because he did not consider, that a suggestion made by an individual Member of Parliament ought to induce any hon. Member to withdraw from the performance of a public duty which the House might feel inclined to devolve upon them. He hoped, therefore, they would not refuse if the House should think it right to call upon them to serve. He ventured to say, there were no men in that House who had taken a less offensive part in the politics of the day. His noble Friend near him (the Marquess of Chandos), was known to entertain strong opinions on certain questions, which he did not fail to urge in the House of Commons, yet his noble Friend had scarcely ever made a speech without being complimented by those who differed with him on the absence from it of party feeling and personal acrimony. He did believe, that to the other hon. Gentleman, his hon. Friend who now sat in Parliament for the first time, his right hon. Friend on his right hand (Sir E. Knatchbull), the noble Members for Nottinghamshire and Leominster, and the hon. Member for Aylesbury, the honour of any man might with perfect safety be intrusted. On these grounds he thought the objections of the noble Lord to the Committee—proposed by his right hon. Friend could not be sustained, particularly as his right hon. Friend agreed with him that the Committee should not express any opinion. It was utterly impossible that he, by consenting to serve, should acquiesce in the justice of the reflections cast on his right hon. Friend by the noble Lord. He must say, also, that he consented with great reluctance to the appointment of a Committee at all. There were some special circumstances, particularly the great loss of life which had been suffered, that exempted this case from ordinary rules; but, whether he was in or out of office, the circumstances must be very extraordinary which would induce him to devolve upon a Committee of that House an inquiry into the administration of justice. He thought it right to guard his reluctant assent to the appointment of a Committee by that statement, and he hoped the present case would never be drawn into a precedent. He was not surprised that his right hon. Friend, the Member for Kent, should desire an inquiry, for the satisfaction of the relatives and friends of the deceased, or that the noble Lord, and those whose conduct was called in question, should be equally desirous of an inquiry; but he never should take those natural impulses into account; he should always look into the abstract merits of the case, without a desire to gratify any party, and nothing but the peculiar circumstances of the present case could have induced him to consent to the appointment of the Committee. He trusted that the noble Lord opposite would withdraw the objections he had made to the proposed list, and above all he hoped that nothing would induce his hon. Friends near him to countenance those objections by refusing to serve.

Sir *H. Hardinge* said, as he could not arrogate to himself any higher character or greater honesty of purpose than the hon. Gentleman to whom the noble Lord had objected, he could not consent that his name should remain on the list, for he should then feel, that he was acting in accordance with the feeling which dictated the noble Lord's amendment. Whatever weight he might attach to the observations of the right hon. Member for Tamworth relative to withdrawing from a public duty, the noble Lord's peculiar mode of proceeding in this matter was calculated to throw a slur on the hon. Gentleman to whom he had alluded, and he must therefore decline serving.

Mr. *R. H. Clive* trusted he might be excused from serving on the Committee named by the noble Lord, if the forms of the House would allow it.

Sir *R. Inglis* hoped it might not be his painful duty to be compelled by a vote of the House to serve on the noble Lord's Committee. If it should be so, he should discharge the duty with greater reluctance than any which had ever been confided to him by the House. He trusted the noble Secretary at War would not press his amendment, which had had the effect of impressing men as honourable as himself with the conviction that he meant to impugn their personal honour, though he was sure the noble Lord had no such intention.

Mr. *E. L. Bulwer* said, it appeared that the ceremony of placing the names of those who were to form a Committee on the paper was to be a mere farce. He could not at all understand what was the object of it, if they were to be precluded from considering whether the Committee would be a fair and impartial one, or from making alterations in its composition without having it supposed that they meant any undue disparagement to the Members named in the first instance. There was no ground whatever for supposing that the noble Lord meant to pass any slight on any of the Gentlemen named by the right hon. Baronet opposite. He was sure all on his side would disclaim any such imputation, though it was just possible that one of those hon. Gentlemen (the Member for Aylesbury) might feel somewhat of the zeal of a novice for the opinions he had lately espoused. "When I remember," proceeded the hon. Member, "that a few years ago that hon. and learned Gentleman celebrated the anniversary of the death of King Charles 1st by a calf's head dinner at Cambridge, and when I remember that those sentiments were adhered to by him for a considerable time afterwards, it may be supposed that with all his talents he may feel somewhat of the zeal of a convert." There was no intention on that side to cast any slight on the hon. Gentlemen opposite who had been alluded to, but there was a determination not to permit the order of the House relative to printing the names of a Committee to be made ineffectual. The noble Lord had allowed the same number of names originally proposed on the opposite side to remain on the list; he left Gentlemen opposite in possession of the majority—all he asked was, that some change should be made in the persons selected. He hoped that the House would accede to the amendment, which he thought just and reasonable.

Mr. *Praed* was sure the House would allow him to say a few words. Whatever opinions he had entertained, and to whatever extent he had modified them long ago in the cloisters of Trinity College, he was not such a fool as to suppose, that the House would be much interested in discussing that question, however important it might seem to the hon. Member who had just spoken. "I shall only say," continued the hon. Gentleman, "with respect to the particular fact stated, that I will not be so irritated by the grossly unfair nature of the attack made upon me, as to forget what I owe to the hon. Member, and what I owe to the orders of this House. Therefore I attribute only to a lapse of memory in the hon. Member the gross misstatement he has made."

Mr. *Pryme* said, that he could not speak as to the fact alluded to by his hon. Friend, the Member for Lincoln, having no knowledge on the subject, but he would ask the hon. and learned Member for Aylesbury whether he had not done this? [*Question.*] He was speaking to the question strictly. What he wished to know from the hon. and learned Member for Aylesbury was, and he might controvert it if he could, whether he had not within two months of the time he was first returned to that House professed opinions adverse to those of a youthful Tory—opinions which were extremely Whiggish, if they did not amount to downright Radicalism? Now, giving the hon. and learned Gentleman every credit for good intentions, it was clear that he was liable to sudden convictions—to have new lights breaking in upon his mind.

Mr. *W. Duncombe* rose to order, and submitted, that the hon. Member for Cambridge was not speaking to the question before the House.

The *Speaker* said, that he must put it to the discretion of the hon. Member for Cambridge himself to determine how far his argument related to the discussion before the House. At present it seemed to him (the Speaker) that the hon. Gentleman was anticipating the debate hereafter to come on with reference to the nomination of the committee.

Mr. *Pryme* said, that if he were out of order he would at once submit; but he did not think he had departed from the question under the consideration of the House. However, he had but one sentence more to utter, and that was, that although, giving the hon. and learned Member for Aylesbury credit for the sincerity of the conviction which influenced the change in his opinions, he thought that hon. and learned Gentleman had shown such a versatility of judgment as rendered him unfit for a duty of this kind.

Mr. *Praed:* The hon. Member for Cambridge seems to assume, Sir, that I am unable to answer his question, and therefore he says I have shown such a versatility of judgment as renders me incapable of being a good juror. I beg, however, to give the hon. Gentleman the same short answer that I have given to the hon. Member for Lincoln, and that answer is, that there is no more truth in what he has stated than there is in the statement made by the hon. Member for Lincoln, that in the University of Cambridge I celebrated the anniversary of the execution of Charles the Martyr by a calves' head dinner.

Mr. *Bulwer:* I give the hon. and learned Member for Aylesbury as flat a contradiction as he has given me. [*"Chair, order."*]

Mr. *Goulburn* said, that if the noble Lord had entertained any doubt of the wisdom of the course which he had taken, the manner in which the subject had been treated by his own friends must satisfy him on the point, and that all he had done was to open the door to personalities. He did not rise in defence of his hon. Friend, but merely to protest against the monstrous doctrine that had been laid down, that because at an antecedent period a man had held other political opinions than those he now entertained, he was, therefore, incapacitated from honourably discharging his public duty. He put it to the noble Lord to say whether he would act upon such a principle?—whether he would deem a change of opinion a ground for excluding a Gentleman from becoming a Member of a committee, the duty of which was not to decide, but simply to conduct, an inquiry, with a view to ascertain facts? If they were to act upon such a doctrine, all he could say was, that that House would be nightly occupied with criminations and recriminations, and that they would not only be derogating from the character of the House, but rendering it impossible for hon. Members to perform their public duties. Whether his hon. and learned Friend, the Member for Aylesbury had or had not modified his political opinions since his residence in Trinity College, Cambridge, was not a question into which they had any right to inquire; but this he would say, that he never heard his hon. and learned Friend's name mentioned unaccompanied with the acknowledgment of the high honour by which on every occasion his conduct was guided, and the talents by which he had gained distinction, that entitled him to the weight and consideration he enjoyed in the University to which he belonged, as well as in the councils of the nation.

Mr. *E. J. Stanley* admitted, that the

course pursued by his noble Friend was inconvenient, but then his noble Friend was compelled to pursue that course. They all knew that both sides of the House were bound to compromise something to each other on occasions like the present; and the only object which his noble Friend had in view was to render the construction of the committee so fair and impartial, that both parties would be satisfied with it. With this intention his noble Friend had asked the right hon. Gentleman, the Member for East Kent, to alter some of the names he had proposed; but as the right hon. Gentleman refused to accede to his noble Friend's request his noble Friend had no other course to pursue but to raise the objection which he had made for the purpose of having the committee altered. With respect to the relative numbers his noble Friend had never intended to make any alteration, as the numbers would still be a majority in favour of the hon. Gentleman opposite of eight to seven. For his own part, he thought, that his hon. Friend had exercised a wise discretion in what he had done, and he trusted, that his noble Friend would take the sense of the House upon the subject, as his only object was the attainment of truth and justice—without regard to party feeling or party purposes.

Lord *J. Russell* said, that as the hon. and learned Member for Aylesbury had left the House it was not impossible that the matter would be carried beyond the walls of that House, and to prevent such a result he felt it necessary to move, that the hon. and learned Member for Aylesbury be ordered to attend in his place, and that the hon. Member for Lincoln be likewise ordered to remain in his place.

Motion agreed to, and the Sergeant-at-Arms was directed to obtain the presence of the hon. and learned Member for Aylesbury forthwith.

Mr. *Hodges* said, that this motion had produced much embarrassment, and he would put it to the right hon. Baronet, the Member for East Kent, whether he would proceed further? The right hon. Baronet must know, that the unfortunate men who had been committed to gaol in consequence of being implicated in this transaction, were shortly to take their trial before the regular tribunal of the country, and, therefore, the only effect the inquiry proposed by the right hon. Baronet could have, would be to prejudice the minds of those who might be called on to serve as jurors at the trial. He, therefore, hoped, that the right hon. Baronet would not persevere in his motion.

Mr. *Warburton* said, that this discussion showed very clearly how impossible it was for that House to appoint a fair committee—especially an election committee. He doubted whether, in fact, they could appoint an impartial committee under any circumstances; and as he did not think the present committee called for, all he could say was, that he was prepared to give the motion of the right hon. Baronet a direct negative.

Sir *E. Knatchbull* said, that nothing was farther from his mind, in bringing forward this motion, than either party feelings or party motives. All he wanted was, that justice should be done, and that some satisfactory investigation of the facts of the case should take place. He had told the noble Lord in the first instance, that his object was to get a committee appointed who would report the evidence, but would have no power to give any opinion on it. He could not, after what had passed, consent to the alteration proposed by the noble Lord, and, therefore, he must take the sense of the House upon his motion.

The House divided: Ayes 124; Noes 94: Majority 30.

List of the AYES.

Abercromby, G.
Acland, T. D.
Adam, Admiral
Adare, Lord
Arbuthnott, H.
Bagot, hon. W.
Baillie, Col.
Baring, H. B.
Baring, hon. W.
Barneby, J.
Barrington, Lord
Bentinck, Lord G.
Blackstone, W. S.
Blair, J.
Blake, M. J.
Blandford, Lord
Blennerhasset, A.
Bolling, W.
Bramston, E. W.
Campbell, Sir H.
Campbell, Sir J.
Chandos, Marquess of
Chapman, A.
Chute, W. L.
Clive, hon. R.
Courtenay, P.
Crawley, S.
Cresswell, C.
Dalrymple, Sir A.
Darby, G.
Darlington, Lord
De Horsey, S. H.
Dick, Q.
Dowdeswell, W.
Dunbar, G.
Duncombe, W.
Eaton, R. J.
Egerton, W. T.
Feilden, W.
Fielder, J.
Fector, J. M.
Filmer, Sir E.
Gaskell, J. M.
Gibson, T.
Gordon, R.
Gordon, Capt.
Goulburn, H.
Graham, Sir J.
Granby, Marquess of
Grey, Sir G.
Grimsditch, T.
Hale, R. B.
Halford, H.
Hardinge, Sir H.

Harvey, D. W.
Hawkes, T.
Hepburn, Sir T.
Hinde, J. H.
Hobhouse, Sir J.
Hope, hon. C.
Hope, G. W.
Howick, Lord
Hughes, W. B.
Hurt, F.
Inglis, Sir R. H.
Jackson, Sergeant
Kirk, P.
Knatchbull, Sir E.
Knightley, Sir C.
Labouchere, H.
Litton, E.
Lockhart, A. M.
Lowther, hon. Col.
Lygon, hon. Gen.
Mackenzie, T.
Mahon, Lord
Manners, Lord C. S.
Marsland, T.
Marton, G.
Master, T. W. C.
Mathew, G. B.
Maule, hon. F.
Maunsell, T. P.
Miller, W. H.
Moneypenny, T.
Morpeth, Lord
Murray, J. A.
Nicholl, J.
Pakington, J. S.
Palmer, G.
Palmerston, Lord
Parker, J.
Parker, T. A. W.
Peel, Sir R.
Polhill, F.
Praed, W. T.
Price, R.
Pringle, A.
Rae, Sir W.
Rice, T. S.
Rickford, W.
Rolfe, Sir R. M.
Round, J.
Rushout, G.
Russell, Lord J.
Sandon, Lord
Sinclair, Sir G.
Somerset, Lord G.
Stanley, Lord
Stuart, V.
Sugden, Sir E.
Surrey, Earl of
Thomson, C. P.
Trench, Sir F.
Troubridge, Sir E. T.
Turner, E.
Vere, Sir C. B.
Vivian, J. H.
Vivian, Sir R.
Williams, W.
Winnington, T.
Wood, C
Wyndham, W.
Young, J.

TELLERS.
Fremantle, Sir T.
Stanley, E. J.

List of the NOES.

Aglionby, H. A.
Ainsworth, P.
Archbold, R.
Baines, E.
Bannerman, A.
Barnard, E. G.
Barry, G. S.
Bernal, R.
Bewes, T.
Blackett, C.
Blake, W. J.
Blewitt, R. J.
Bridgeman, H.
Briscoe, J. I.
Brocklehurst, J.
Brodie, W. B.
Brotherton, J.
Bulwer, E. L.
Busfield, W.
Cayley, E. S.
Chester, H.
Childers, J. W.
Craig, W. G.
Dashwood, G. H.
Denison, W. J.
Dennistoun, J.
D'Eyncourt, C. T.
Duckworth, S.
Edwards, J.
Evans, Sir De L.
Evans, G.
Fenton, J.
Finch, F.
French, F.
Grattan, H.
Guest, J. J.
Handley, H.
Hastie, A.
Hawkins, J. H.
Hayter, W. G.
Hill, Lord A. M.
Hoskins, K.
Howard, T. H.
Ingham, R.
Jephson, C. D. O.
Jervis, S.
Lefevre, C. S.
Lister, E. C.
Lushington, Dr.
Lynch, A. H.
Macnamara, W.
Marsland, H.
Martin, J.
Maule, W. H.
Morris, D.
Muskett, G. A.
O'Brien, C.
O'Connell, D.
O'Connell, J.
O'Connell, M. J.
O'Connell, M.
O'Conor, Don
Ord, W.
Palmer, C. F.
Parrott, J.
Pease, J.
Pechell, Captain
Phillips, M.
Phillpotts, M.
Ponsonby, C. F. A.
Pryme, G.
Ramsbottom, J.
Redington, T. N.
Rice, E. R.
Rundle, J.
Salwey, Colonel
Seale, Colonel
Slaney, R. A.
Staunton, Sir G.
Strickland, Sir G.
Strutt, E.
Style, Sir C.
Turner, W.
Vigors, N. A.
Walker, C. A
Walker, R.
Westenra, hon. H.
White, A.
White, S.
Wilkins, W.
Williams, W. A.
Wilshere, W.
Winnington, H.
Wood, G. W.

TELLERS.
Hodges, T. L.
Warburton, H.

Committee to be nominated.

The first name on the list (Sir E. Knatchbull's) was agreed to.

On putting the name of the Earl of Lincoln,

Viscount Howick moved, that the name of Sir Thomas Dyke Acland, be substituted for that of the Earl of Lincoln.

Sir *E. Knatchbull*: I shall take the sense of the House on this name.

Sir *R. H. Inglis* asked, whether the consent of the hon. Member for North Devon, to the motion, had been obtained, as was usual.

Viscount *Howick* admitted, that it was usual to obtain permission of hon. Gentlemen before naming them on committees, but, in his opinion, the circumstances of this case were so peculiar, a list of names having been proposed, which proved unsatisfactory to one side of the House, that it became the duty of an hon. Member to serve, and he should, therefore, persist in his motion.

Mr. *Goulburn* thought, that before the House was called upon to say, that the Earl of Lincoln should not be on the committee, it was reasonable, that the House should have some grounds stated for expunging his name.

Viscount *Howick* was perfectly aware of the difficulty imposed upon him by the remark of the right hon. Gentleman, but, undoubtedly, he did not intend to assign those reasons which led him to desire the omission of the noble Lord's name from the committee; he must say, however, that it was impossible anything could be further from his wish than to say one one word to the prejudice of the noble

Earl. Such an intention had never entered his mind. But he would appeal to the House, whether the committee as it now stood was a fair committee. He wished to ask every hon. Member who heard him, whether, speaking as men spoke in the lobby, and not speaking as they were in the habit of doing before that House, the objections he made to the list of the right hon. Baronet were reasonable or unreasonable? Was the committee, as it stood, distinguished by a character of impartiality, absence of excited feeling, great knowledge and great experience on questions of great difficulty and great importance? Was that character so clear, he asked, without meaning the least personal disrespect to the hon. Gentlemen to whose names he objected, that no improvement could be made in it; but while he said this, he must also add, that he felt so much the inconvenience of these personal discussions, and he did so earnestly deprecate division on this subject, that he hoped, some alternative might be found. He, wished, therefore, to ask the right hon. Baronet (Sir E. Knatchbull) whether he would consent to let both lists be cancelled, except the right hon. Baronet's own name, and then consult with his Friends on his own side of the House, and settle with Gentlemen on that (the Ministerial) side of the House—not with him—so that a committee satisfactory to both sides might be appointed. He made the proposition because he felt himself in difficulty, that if the hon. Baronet (Sir T. Acland) were substituted by a party division, for the noble Earl, that hon. Baronet would probably decline to serve, He threw out this suggestion for the consideration of the right hon. Baronet the Member for East Kent, and the right hon. Baronet, the Member for Tamworth. If the committee, as now constituted, were appointed by the House, he should decline to serve.

Sir *E. Knatchbull* said, if the noble Lord had made his proposition some days back he should have had no objection at all to it; but after what had passed he did feel most strongly, that he should not be discharging his duty if he gave way.

Mr. *Harvey* could not consent to the ready construction which both sides of the House had put upon the character of this committee when they designated it as a party committee. When he heard it stated, that there were eight Members of the committee on one side, and seven on the other, he, for one, as a proposed member of the committee, must beg leave to dissent from being marshalled in either party. If, therefore, any Gentleman were now computing the numbers and the balance of party in the committee, in order to arrive at an anticipation of which way their opinion might be likely to incline he must beg leave to tell that Gentleman that he was probably mistaken in his reckoning as to which way his vote would be given. But with respect to the appointment of this committee, he must declare, that it was disgraceful to the House, and calculated to render its character most unamiable with the people, if they were led to think from the proceedings of the House that evening, that fifteen Gentlemen could not be found to do the duty of a committee of inquiry, who were likely to do that duty without being influenced by party feelings. Although he had been honoured by his name having been placed on the committee by the right hon. Baronet opposite, yet he could not consent to be a party to an inquiry, begun with party spirit, and which must, therefore be unsatisfactory in its results.

The House divided on the original motion:—Ayes 104; Noes 134: Majority 30

List of the AYES.

Acland, T. D.
Adare, Lord
Arbuthnott, H.
Bagot, hon. W.
Bailey, J.
Bailey, J. junior
Baillie, Colonel
Baring, W. B.
Barneby, J.
Barrington, Lord
Bentinck, Lord G.
Blackstone, W. S.
Blair, J.
Blandford, Lord
Blennerhasset, A.
Bolling, W.
Bramston, T. W.
Bruce, Lord E.
Chandos, Lord
Chapman, A.
Chute, W. L. W.
Clive, R. H.
Courtenay, P.
Cresswell, C.
Dalrymple, Sir A.
Darby, G.
Darlington, Lord
De Horsey, S. H.
Dowdeswell, W.
Dunbar, G.
Duncombe, W.
Dungannon, Lord
Eaton, R. J.
Egerton, W. T.
Feilden, W.
Feilden, J.
Fector, J. M.
Filmer, Sir E.
Forester, hon. G.
Gaskell, J. M.
Gibson, T.
Gladstone, W. E.
Gordon, Captain
Graham, Sir J.
Granby, Marquess of
Grimsditch, T.
Hale, R. B.
Halford, H.
Hardinge, Sir H.
Hawkes, T.
Henniker, Lord
Hepburn, Sir T. B.
Hinde, J. H.
Holmes, W.
Hope, hon. C.
Hope, G. W.

Hughes, W. B.
Hurt, F.
Ingham, R.
Inglis, Sir R. H.
Jackson, Sergeant
Jermyn, Earl
Kerrison, Sir E.
Kirk, P.
Knatchbull, rt. hon. Sir E.
Knightley, Sir C.
Litton, E.
Lockhart, A. M.
Lowther, Colonel
Lygon, General
Mackenzie, T.
Mahon, Viscount
Manners, Lord C. S.
Marsland, T.
Marton, G.
Master, T. W.
Mathew, G. B.
Maunsell, T. P.
Miller, W. H.
Monypenny, T. G.
Nicholl, J.
Pakington, J. S.
Palmer, G.
Parker T. A. W.
Peel Sir R.
Polhill, F.
Praed, W. T.
Price, R.
Pringle, A.
Rae, rt. hon. Sir W.
Round, J.
Rushout, G.
Sandon, Viscount
Sinclair, Sir G.
Somerset, Lord G.
Stanley, Lord
Sugden, Sir E.
Thomas, Colonel H.
Trench Sir F.
Vere, Sir C. B.
Vivian, J. E.
Wyndham, W.
Young, J.

TELLERS.

Freemantle, Sir T.
Baring, H. B.

List of the NOES.

Abercromby, G.
Adam, Admiral
Aglionby, H. A.
Ainsworth, P.
Archbold, R.
Baines, E.
Bannerman, A.
Barnard, E. G.
Barry, G. S.
Beamish, F. B.
Bernal, R.
Bewes, T.
Blackett, C.
Blake, M. J.
Blake, W. J.
Blewitt, R. J.
Bodkin, J. J.
Bowes, J.
Bridgeman, H.
Briscoe, J. I.
Brocklehurst, J.
Brodie, W. B.
Brotherton, J.
Bulwer, E. L.
Busfield, W.
Byng, G. S.
Campbell, Sir J.
Cayley, E. S.
Chester, H.
Childers, J. W.
Craig, W. G.
Dashwood, G. H.
Davies, Colonel
Denison, W. J.
Dennistoun, J.
D'Eyncourt, C. T.
Duckworth, S.
Edwards, J.
Evans, Sir G. de L.
Evans, G.
Fenton J.
Fergusson, R. C.
Finch, F.
Fleetwood, P. H.
French, F.
Gordon, R.
Grattan, H.
Grey, Sir G.
Guest, J. J.
Handley H.
Harvey, D. W.
Hastie, A.
Hawkins, J. H.
Hayter, W. G.
Hill, Lord A. M.
Hindley, C.
Hobhouse, Sir J.
Hodges, T. L.
Hoskins, K.
Howard, P. H.
Howick, Lord
Hume, J.
Humphrey, J.
Hurst, R. H.
Jephson, C. D. O.
Jervis, J.
Labouchere, H.
Lefevre, C. S.
Lister, E. C.
Lushington, Dr.
Lynch, A. H.
Macnamara, W.
Marsland, H.
Martin, J.
Maule, hon. F.
Maule, W. H.
Morpeth, Lord
Morris, D.
Murray, J. A.
Muskett, G. A.
O' Brien, C.
O'Connell, D.
O'Connell, J.
O'Connell, M. J.
O'Connell, M.
Ord, W.
Palmer, C. F.
Palmerston, Lord
Parker, J.
Parrott, J.
Pease, J.
Pechell, Capt.
Philips, M.
Phillpotts, J.
Ponsonby, C. F. A. C.
Pryme, G
Ramsbottom, J.
Redington, T. N.
Rice, E. R.
Rice rt. hon. T. S.
Rolfe, Sir R. M.
Rundle, J.
Salwey, Colonel
Seale, Colonel
Slaney, R. A.
Smith, R. V.
Staunton, Sir G.
Steuart, R.
Stuart, V.
Strickland, Sir G.
Strutt, E.
Style, Sir C.
Surrey, Earl of
Thomson, C. P.
Troubridge, Sir E. T.
Turner, E.
Turner, W.
Vigors, N. A.
Vivian, Sir R. H.
Walker, C. R.
Walker, R.
Wallace, R.
Warburton, H.
Westenra, H. R.
White, A.
White, S.
Wilkins, W.
Williams, W.
Williams, W. A.
Wilshere, W.
Winnington, T. E.
Winnington, H. J.
Wood, G. W.
Wrightson, W. B.

TELLERS.

Stanley, E. J.
Wood, C.

The name of Sir T. Acland was substituted.

On the question that the Marquess of Chandos be one of the members of the same committee,

Viscount Howick moved, that the name of Sir R. Peel be substituted for that of the Marquess of Chandos.

Sir *R. Peel* said, that the occasions were very rare on which he shrunk from the performance of any duty which the House might think fit to impose on him; but in order to record his sense of the injustice of the objections made to the appointment of the noble Marquess, he would, on this occasion, break through his customary rule, and decline to serve on the committee.

Sir *F. Trench* could not abstain from stating, that the conduct of the noble Lord was somewhat extraordinary in having proposed the name of the right hon. Baronet on the bench below him. The noble Lord could not have so far forgotten that he had but the evening before ascertained, in a private conference, that the right hon. Gentleman had an objection to serve on the committee.

Viscount *Howick*: The objection made by the gallant Officer was of so idle and trivial a nature, that he scarcely thought it necessary to notice it. What the gallant

Officer had stated was perfectly true, that the right hon. Baronet had expressed an unwillingness to serve upon the committee; but, then, he understood, that the right hon. Baronet's reluctance to serve arose out of feelings of delicacy towards a political opponent. However, it was the desire of his political opponents, and it was equally desirable for the House and the country that the right hon. Gentleman should serve upon the committee. He trusted, under these circumstances, that the reluctance of the right hon. Baronet would yield to these considerations. All, then, that he could do under the circumstances, would be to persist in the amendment which he had moved.

Mr. *W. Duncombe* thought a motion of this kind ought to have some grounds to support it. It was incumbent upon the noble Lord to state any objections which he entertained towards his noble Friend, the Member for Buckinghamshire. There was no man in the House who, on the ground of his long experience, ought to be considered to have more fitness for the discharge of duties of this kind. His noble Friend had, for the last twenty years, been a Member of that House, and, during all that time, his noble Friend had paid the greatest attention to all the important questions that had come under the attention of Parliament. The objection urged against the Earl of Lincoln's youth, and want of long experience of the business of Parliament, did not apply to his noble Friend, the Marquess of Chandos. The noble Lord would not manifest a proper degree of courtesy to the House, and would not show that respect to the House which was its due, if he did not put them in possession of some reasons for the course he now pursued. But the noble Lord was confident in his majority, and he thought doubtless that his *sic volo, sic jubeo stat pro ratione voluntas* ought to be sufficient. If the noble Lord thought otherwise, he would have condescended to inform the House what were the objections which he entertained towards his noble Friend. The Noble Lord opposite, in refusing to state the ground of objection to the noble Lord's fitness to serve on the committee, had laid down a doctrine to which he, as an independent Member of that House, felt bound in the strongest manner to object.

Sir *E. Knatchbull* said, after the division that had taken place, it was quite manifest that the power of naming the committee now rested in the hands of the noble Lord. He would, therefore, leave the appointment of the committee entirely in the hands of the noble Lord, being perfectly aware that, in the names he was about to propose, he was not likely to receive the sanction of the noble Lord or his friends. He, therefore, now left entirely to the noble Lord the nomination of the committee.

Viscount *Howick* was anxious to settle the question amicably, and it was by no seeking of his that anything unpleasing towards any individual had taken place. He was sure that the House would not sanction such appeals as had been made to him by the hon. Baronet and the Member for Yorkshire, that he was bound to state what objections he entertained towards the noble Marquess. Nothing could be further from his intention than to mean anything personally offensive to the noble Marquess. He could not state any further reasons for wishing the change than this, that he thought that the right hon. Baronet (Sir Robert Peel) would make a more useful member of the committee than the noble Marquess.

The Marquess of *Chandos*, after what had occurred, could not leave the House without making a few observations. When the noble Lord opposite had done him the honour to mention his name, he felt bound to say, with respect to any opinions which the noble Lord entertained of him, or towards him, they were to him a matter of the most perfect indifference. But he must take the liberty to say, that when the noble Lord brought forward an accusation against him before the House and the country, he had a right to ascertain the reasons that existed for that accusation. He had a right to ask the noble Lord why he had objected to him as unfit to serve upon that committee. The noble Lord stated, that he had moved the substitution of the name of the hon. Baronet, because that he would be a more useful member of the committee. He fully concurred in that opinion, and he thought that the highest service that could be conferred upon the committee would be to place the name of the right hon. Baronet upon it. It was not his intention to put the House to the trouble of any vote upon this subject, for when an objection was made to placing his name upon the Committee, he would not consent under such circumstances to serve upon that committee. He repeated, in conclusion, that he was bound to believe the statement of the noble Lord, that he meant no insult towards him. He would, therefore, say no more at present with reference to what had occurred, and would leave the House to form their own decision on the conduct which had been pursued by the noble Lord. [The noble Marquess left the House.]

Mr. *Labouchere* thought, that the noble Marquess was under a great misapprehension as to what had taken place. If they established the rule that no objections could be stated against a party named on a committee, without stating the reasons of the objections, there would be, at once, an end to such objections, for it was easy to perceive the practical difficulties that would result if the reasons of all objections were obliged to be stated. Now he did not see how any one could think himself insulted because one party should suppose that a committee was not fairly constituted, and should propose to alter it by the rejection of some names and the substitution of others. He did not shrink from saying without any intention to give offence, that the committee which had been originally proposed, was not a tribunal, with the constitution of which, that side of the House had perfect reason to be satisfied. The House had laid down a rule, that the names of those who were to compose such committees as the present, should be previously known. And what was the use of this, unless to give an opportunity of making alterations, and he did not know how this could be done, if every Member whose name was objected to felt he was personally insulted by being objected to. He thought it would be better if the hon. Baronet would adopt some amicable arrangement by which a fair committee could be constituted to the satisfaction of both sides of the House.

Sir *E. Knatchbull* said, that the hon. Member could not have been in the House in the early part of the evening, or he would have seen that it was impossible, after what had happened, that he could take the course suggested. He should have been glad to have taken the course suggested, or any course that would have led to a satisfactory result; but having proposed certain names, and they having been objected to, he found it impossible, under the circumstances, to withdraw those names, or to give up those individuals whom he had originally proposed.

Mr. *Goulburn* said, the objections stated, were not objections to the names merely, but individuals were objected to, because it was alleged that their party feeling was such as to incapacitate them from serving. Now, the objections to one hon. Member were, that he had cheered the speech of the hon. Baronet the Member for Kent, and that therefore he was incompetent to sit on his committee. Surely these were unprecedented objections.

The House divided on the original motion—Ayes 112; Noes 131: Majority 19.

List of the AYES.

Acland, Sir T. D.
Adare, Lord
Arbuthnott, H.
Bagot, hon. W.
Bailey, J.
Bailey, J. jun.
Baillie, Col.
Baring, hon. W. B.
Barneby, J.
Barrington, Viscount
Bell, M.
Bentinck, Lord G.
Blackstone, W. S.
Blair, J.
Blandford, Marquis of
Blennerhassett, A.
Bolling, W.
Bradshaw, J.
Bramston, T. W.
Broadley, H.
Bruce, Lord E.
Burrell, Sir C.
Chapman, A.
Chute, W. L. W.
Clive, hon. R. H.
Courtenay, P.
Creswell, C.
Dalrymple, Sir A.
Darby, G.
Darlington, Lord
De Horsey, S.
Dowdeswell, W.
Dunbar, G.
Duncombe, W.
Dungannon, Lord
Eaton, R. J.
Egerton, W. T.
Fielden, W.
Fielden, J.
Fector, J. M.
Filmer, Sir E.
Forester, hon. G.
Gaskell, J. M.
Gibson, T.
Gladstone, W. E.
Gordon, hon. Captn.
Goulburn, H.
Graham, Sir J.
Granby, Marquess of
Grimsditch, T.
Hale, R. B.
Halford, H.
Hardinge, Sir H.
Harvey, D. W.
Hawes, T.
Henniker, Lord
Hepburn, Sir T.
Hinde, J. H.
Hindley, C.
Holme, W.
Hope, hon. C.
Hope, G. W.
Hughes, W. B.
Hurt, F.
Ingham, R.
Inglis, Sir R. H.
Jackson, Sergeant
Jermyn, Earl
Kerrison, Sir E.
Kirk, P.
Knatchbull, Sir E.
Knightley, Sir C.
Litton, E.
Lockhart, A. M.
Lowther, Col.
Lygon, General
Mackenzie, T.
Mahon, Lord
Maidstone, Lord
Manners, Lord C. S.
Marsland, T.
Marton, G.
Master, T. W. C.
Mathew, G. B.
Maunsell, T. P.
Miller, W. H.
Monypenny, T. G.
Nicholl, J.
Pakington, J. S.
Palmer, R.

Palmer, G.
Parker, T. A. W.
Peel, Sir R.
Polhill, Mr. E.
Praed, W. T.
Price, R.
Pringle, A.
Rae, Sir W.
Rolleston, L.
Round, J.
Rushbrooke, R.
Rushout, G.
Sinclair, Sir G.
Somerset, Lord G.
Stanley, Lord
Sugden, Sir E.
Thomas, Colonel
Thompson, Ald.
Trench, Sir F.
Vere, Sir C. B.
Vivian, J. E.
Waddington, H. S.
Young, J.

TELLERS.

Freemantle, Sir T.
Baring, H.

List of the NOES.

Abercromby, hon. G. R.
Adam Admiral
Aglionby, H. A.
Archbold, R.
Baines, E.
Bannerman, A.
Barnard, E. G.
Barry, G. S.
Beamish, F. B.
Bernal, R.
Bewes, T.
Blackett, C.
Blake, M. J.
Blake, W. J.
Blewitt, R. J.
Bodkin, J. J.
Bowes, J.
Bridgeman, H.
Briscoe, J. I.
Brocklehurst, J.
Brodie, W. B.
Brotherton, J.
Bulwer, E. L.
Busfeild, W.
Byng, rt. hon. G. S.
Campbell, Sir J.
Cayley, E. S.
Chester, H.
Childers, J. W.
Dashwood, G. H.
Davies, Colonel
Dennison, W. J.
Dennistoun, J.
Duckworth, S.
Edwards, J.
Evans, Sir D. L.
Evans, G.
Evans, W.
Fenton, J.
Fergusson, rt. hon. C.
Finch, F.
Fleetwood, P. H.
Gordon, R.
Grattan, H.
Grey, Sir G.
Guest, J. J.
Handley, H.
Hastie, A.
Hawes, B.
Hawkins, J. H.
Hayter, W. G.
Hill, Lord A. M. C.
Hobhouse, rt. hon. Sir J. C.
Hobhouse, T. B.
Hodges, T. L.
Hoskins, K.
Howard, P. H.
Howick, Viscount
Hume, J.
Hurst, R. H.
Jephson, C. D. O.
Labouchere, rt. hn. H.
Lefevre, C. S.
Lister, E. C.
Lushington, Dr.
Macnamara, Major
Marsland, H.
Martin, J.
Martin, T. B.
Maule, hon. F.
Maule, W. H.
Moreton, hon. A. H.
Morpeth, Viscount
Morris, D.
Murray, rt. hon. J. A.
Muskett, G. A.
O'Brien, W. S.
O'Connell, D.
O'Connell, J.
O'Connell, M. J.
O'Connell, M.
Ord, W.
Paget, Lord A. H.
Palmer, C. F.
Palmerston, Viscount
Parrott, J.
Pease, J.
Pechell, Captain
Philips, M.
Phillpotts, J.
Ponsonby, C. F. A. C.
Pryme, G.
Ramsbottom, J.
Redington, T. N.
Rice, E. R.
Rice, rt. hon. T. S.
Rolfe, Sir R. M.
Rundle, J.
Salwey, Colonel
Seale, Colonel
Staunton, Sir G. T.
Steuart, R.
Stuart, V.
Strickland, Sir G.
Strutt, E.
Style, Sir C.
Surrey, Earl of
Thomson, rt. hn. C. P.
Thornely, T.
Troubridge, Sir E. T.
Turner, E.
Turner, W.
Vigors, N. A.
Vivian, rt. hn. Sir R.
Walker, C. A.
Wallace, R.
Warburton, H.
Westenra, hon. H. R.
White, A.
White, S.
Wilkins, W.
Williams, W.
Williams, W. A.
Wilshere, W.
Winnington, T. E.
Winnington, H. J.
Wood, C.
Wood, Sir M.
Wood, G. W.
Wrightson, W. B.
Yates, J. A.

TELLERS.

Stanley, E. J.
Parker, J.

The name of Sir Robert Peel was placed on the committee.

The *Speaker* said, that it was his duty to acquaint the House that Mr. Praed, a Member of that House had been ordered to attend in his place in that House, but the wish of the House could not now be carried into effect, as the hon. Member could not be found.

The *Chancellor of the Exchequer* said, that the object which the House had in view in making the order, could not be carried into effect, with respect to the Gentleman who was absent, but they could follow it up with respect to the Gentleman who was present. He therefore intended to move, that the Gentleman who was in his place, should be called on by the Speaker. It became his duty to move, that the hon. Member should be called on in his place to give a promise to the House that he did not intend to carry any further the matter which had occurred that evening.

The *Speaker* said, after what had occurred, it became his duty to inform the hon. Member for Lincoln, that the House expected that he would give them an assurance that he did not intend to accept any hostile message on the part of the hon. Member who had left his place. He wished to know did the hon. Member consent to this?

Mr. *Bulwer* rose and made some brief observations which did not reach the gallery.

The *Speaker* stated, that he did not express to the hon. Member his own opinion, but the opinion of the House, and in deference to that opinion he now called upon the hon. Member to give the House that assurance on his part which it was reasonable for him to expect.

Mr. *E. L. Bulwer* trusted, that whatever party feelings might exist, honorable Members would feel somewhat for the character of a fellow-member, and would be as indulgent to him as the peculiar position in which he then stood, might seem to require. He was not aware of any discussion having taken place between himself and the hon. Member for Aylesbury of a hostile nature. He made some general remarks upon the committee proposed by the right hon. Baronet; but he expressly stated, and he believed in doing so he spoke the general opinions of the ministerial side of the House, that he had no wish to cast any disparagement upon, or insinuate anything against, the character of those hon. Gentlemen whose names were proposed. He distinctly stated, that, than the character of the noble Lord, the Member for Buckinghamshire, none stood higher. He also stated, that the hon. Member for Surrey was a gentleman who, in his political opposition, had never given the least offence to that (the Ministerial) side of the House, and that there could be no ground of objection to him as a Member of the committee, but the shortness of the time during which he had been a Member of the House. He afterwards spoke of the hon. and learned Member for Aylesbury, and observed, that there could be no ground for objection to him on account of his character; but he certainly added, that there might be some objection, however erroneous to him, on account of his acting with the zeal of a novice upon the opinions which he had formed. He believed, that that hon. and learned Gentleman had been in the habit of attending meetings in the University of Cambridge, and used to avow certain opinions there; to which circumstance, however, he (Mr. Bulwer) should not have alluded, if he had not always understood, that the hon. and learned Gentleman retained those opinions just as warmly as ever. That, he believed, was all that he had said of the hon. and learned Gentleman. Well, that hon. and learned Gentleman replied to him and said, that he had made use of some expressions that were grossly unfair, and, as he supposed, charged him with having been guilty of a lapse of memory. He made no reply, thinking, that as it related to a matter of fact, it was not worth while entering into the subject, especially as he considered that what the hon. and learned Member said, was perfectly Parliamentary. His hon. Friend, the Member for Cambridge then spoke, and the hon. and learned Gentleman (Mr. Praed) in his reply to some observations of his hon. Friend, did gratuitously, and, as he thought, in a manner that indicated considerable excitement, give him a strong denial upon the point of fact which he had previously stated. He then rose, and said, that as it was a matter of fact between himself and the hon. and learned Gentleman, he conceived it was necessary, in his own vindication, that he should give the hon. and learned Gentleman that contradiction which the forms of the House would allow. What, after this, was it, that he was required to do? He had no other explanation to give, and the House would not, he felt assured, require him to make an apology. What was the state of the matter? The hon. and learned Gentleman went out of the House; but an intimation was given to him (Mr. Bulwer), that he ought not to leave his place, though it was not his intention to have done so, even if that intimation had not been given. The hon. and learned Gentleman had thus left him in this situation; that the hon. and learned Gentleman was to be in a condition to take what further notice he pleased in this matter, while the House was desirous of binding him down by the word of a gentleman, and a man of honour, not to take any further notice of it. Now, he did not think, that that was exactly fair. If this were made a matter of mutual arrangement between him and the hon. and learned Member for Aylesbury, it would be perfectly fair, but to call on him to take a certain course, unless the conformity of the hon. and learned Gentleman were also required, would, in his opinion, not be fair.

The *Speaker* said, that the hon. Gentleman was not called on to make any apology. If the hon. and learned Member (Mr. Praed) had remained or come down to the House when sent for, the House would not have parted with either hon. Member until they had given security to keep the peace; but all they required under the present circumstances was, that the hon. Gentleman (Mr. Bulwer) should submit to the pleasure of the House by giving the assurance demanded of him until the next sitting, when both hon. Members would be present.

Mr. Rice, Sir De L. Evans, and Sir H. Hardinge having severally expressed their hope that the hon. Member would comply with the request of the Speaker.

Mr. *Bulwer* asked the right hon. and gallant officer (Sir H. Hardinge) would he, if placed in the same situation, consent to do so?

The right hon. Gentleman having declared that he would,

Mr. *Bulwer* bowed submission to the Chair, and gave the required assurance to keep the peace.

The nomination of the committee was then resumed, and proceeded with as Lord Howick proposed.

Sir H. Hardinge and Sir T. D. Acland both requested to be excused from acting on the committee, but we did not understand that the request was complied with.

SPANISH LEGION.] Captain *Mathew* rose, pursuant to notice, to move that an humble address be presented to her Majesty, praying that she will be graciously pleased to direct her Minister at the Court of Spain to take such measures as may be requisite to insure the immediate settlement of the just claims of the officers and non-commissioned officers and privates of the late British Auxiliary Legion, acting in the service of her Catholic Majesty, under the authority of licences issued by order in Council by the British Government. The hon. Member proceeded to call the attention of the House to the fact, that not above 5,100 men returned to this country out of 14,000, such had been their sufferings through various deprivations, through fever and the sword. It was most important the House should know that the officers of the Spanish Legion had had no pay from the 30th of June, 1836, to the present time. So deep was the distress into which they were plunged, that many of them were now compelled to perform the most menial offices, in order to procure their daily bread; and he regretted to say that the only thing which her Majesty's Government had done towards rewarding, or even consoling, those unfortunate men, was the mere act of conferring an honorary distinction upon their leader, the gallant General opposite, who certainly well deserved the favour. This almost total disregard of them by the Government of their native country formed one amongst the many just grounds of complaint which they might urge, for he contended that the Government had virtually sent them out to Spain. In his opinion, the Government would be guilty of a great dereliction of duty if they did not enforce the claims of the officers of the Legion, and of the men also, many of whom were to be seen in a starving condition in the streets of London and Glasgow, and other large towns. He thought those who had engaged the services of those men, and had caused them to shed their blood for the purpose of advancing their own political views, ought not to desert them in the time of their distress, and leave them to perish after they had made them serve their turn.

Captain *Boldero* observed that since the hon. and gallant Officer (General Evans) had returned to the House as the Member for Westminster, his conduct had drawn upon him much deserved animadversion, because he had not supported the claims of those men whose services he had enlisted, and whose blood he had caused to be shed. If he had acted in a manner consistent with propriety, he would have come forward as the advocate of their claims. The Legion had fought nobly and honourably; and he did not attempt to throw any blame on the hon. and gallant Member as an officer, considering the circumstances with which he had to contend; but he must say, that after his term of servitude finished in Spain, he was one of the first of the whole force to leave that country. He was informed, on tolerably good authority, that on the evening he left Spain the hon. and gallant Officer rose at the mess, and told the officers, that his object in leaving was to proceed to England, and there, not only in his capacity as the commander of the Legion, but as a Member of that House, firmly, honestly, and steadily to advocate their claims, and get the payment of their demands. He was also informed, but he hoped it was not the case, that the hon. and gallant Officer was escorted to the coast by a guard of honour, which was composed, not of members of the Legion, but of Spanish troops. That was currently reported to be the fact, and he now gave the hon. and gallant Officer an opportunity of denying it. He was told, that the hon. and gallant Officer had come home crowned with glory, and decorated with honours received in Spain; but had he been the hon. and gallant Officer, he would have hurled those honours at the feet of the Spanish minister instead of receiving them with satisfaction, while the just demands of his brave soldiers remained unpaid. It was true, that some documents, purporting to be instruments of payment, had been issued, but so valueless were they, that he knew of one instance of a man having given his scrip, described at the value of 100*l.*, to the publican in whose house he resided to defray a debt of 5*l.* Colonel M'Dougal, one of the officers of the Legion, to whom a large sum was due, had nobly come forward, and said, he would give up the whole if he got the claims of his brave fellow-countrymen who were suffering from numerous privations satisfied. In a memorial which that gallant Officer had presented to Lord Melbourne, and also to the noble Lord opposite (Lord Palmerston), he stated, that the claims of those persons ought to be immediately attended to, on account of the sickness, hardship, suffering, and mortality which prevailed in the Legion. If an officer of such high distinction made that statement, would the House entertain any more doubts about the validity of the claims? He hoped, that Government would take into consideration the situation of these men, and that the noble Lord himself, the Secretary for the Foreign Department, would not object to a firm and strong remonstrance to the court of Spain, in order that their just claims might be satisfied.

Sir *De Lacy Evans* did not complain of the observations which had been made by the hon. and gallant Gentleman who had addressed the House on the opposite side, but, on the contrary, he felt gratified at the way in which this motion had been brought forward. There were, however, a few points on which he wished to offer some observations. In the first place, it had been stated, that the Legion was composed of 14,000 men, but that statement was not correct, for the Legion was never so numerous. When it went out it was but 8,000 strong, although an addition to that number was afterwards sent out. He begged, also, to repeat what he had before stated, and which he contended was the fact, that the losses, although great, were not greater than those of other armies placed in similar circumstances. Immediately on his arrival from Spain it appeared to him that this was made a party question, and a committee of officers of the Legion had assisted those who were his political opponents. The question was mixed up, as it appeared to him, with his claims to the representation of Westminster, and such conduct inclined him to think that the course pursued was not the one most likely to afford a prospect of a settlement of the claims of the Legion. He had, also, personal reasons for not putting himself forward in reference to those claims, for the whole Legion had been treated as mercenaries, and being himself the largest claimant, he thought if he had brought forward the subject he would only have injured the cause of both officers and men. He conceived, that what had been stated was not quite fair as regarded the Spanish government, which, although blameable in not making greater exertions to pay its debts, was yet so embarrassed that some allowance was to be made for the delay which had taken place. He considered, that the manner in which this subject had been agitated had injured the claims of the Legion, as it had influenced, in some degree, perhaps, the Spanish government to believe, that the claims of both officers and men would have been settled by the English Government. He would cordially support the motion of the hon. and gallant Officer, but he could not consent to any motion which went to coerce the Spanish government. The amount of the claims of the Legion was about 220,000*l.*, and he felt convinced, that it would be paid as soon as possible. The motion, however, might stimulate the Spanish government to greater exertions, and he should therefore support it, and he trusted that it would not be resisted by the government.

Viscount *Palmerston* thought, in bringing the claims of persons who were entitled to indulgent consideration before the House, it would have been better if hon. Members had consented to lay aside all party topics; but he should not be tempted to follow the example which had been set him, or to oppose the motion which had been made. He was bound to say, in confirmation of what had fallen from his hon. and gallant Friend, that the men of the Legion had received every thing which British soldiers, at the termination of their service would have had any right to expect. On retiring from the service, their marching money had been paid to convey them home; and although they had not received their gratuities, they would not have been entitled to those by the rules of the British service. In regard to the large arrears which were due to the officers, their exact amount had not yet been ascertained; but a commission had been appointed, and from the character of those who composed that commission, it was to be expected that justice would be done to all parties. It had been said, that the British Government were bound to exert all their influence to obtain a settlement of those claims, and in that particular, he fully agreed with the hon. and gallant Gentleman opposite, but the hon. and gallant Gentleman was mistaken if he thought that the Government had shown any remissness on the subject. He could assure the House that either by communications with the Spanish Minister, or by instructions to the English Minister at Madrid, or by communications with the Spanish Minister in London, very few days passed in which some steps were not taken by the Government to forward the settlement of the claims of the Legion. He denied that, by the proceedings of Colonel Wylde in the formation of the second Legion, the Government of this country was in any way involved, and that the Government were in no way responsible. It was true, that arrears were due by the Spanish Government to the men and officers of the Legion, but it was only just to make some allowance for the difficulties in which that Government was involved by the civil war which still continued. It was not fair to assume that the non-settlement of the claims of the Legion arose from indisposition on the part of the Spanish Government to discharge its debts, for he believed, that the cause was solely inability to meet the demands. But that was no reason why the British Government should not press for a settlement of those claims, and he could assure the House that no exertion should be spared in order to effect an object so desirable. He had no wish to oppose the motion of the hon. and gallant Officer, but the wording of that motion required, he thought, some alteration. He should, therefore, propose, that the motion should be for an humble address to her Majesty, praying that her Majesty would be graciously pleased to direct her Minister at the Court of Madrid to continue to use his best endeavours to obtain an early settlement of the claims of the men of both the Legions. That would render the motion applicable to both Legions, and the hon. and gallant Gentleman's motion only referred to one, and it would at the same time, put the motion in conformity with international usage. If the hon. and gallant Gentleman consented to that alteration, he should then give the motion his support.

Sir *R. Peel* would rather advise his hon. and gallant Friend to acquiesce in the alteration proposed by the noble Lord, for it was probable that the unanimous opinion of the House of Commons would give some little prospect of a final settlement of the claims of the Legion. The only difficulty he felt in making that suggestion, arose from the introduction of the word "continue," as proposed by the noble Lord, for by the introduction of that word it might appear that the House was satisfied with the exertions which had been made to obtain a settlement, although they had no evidence that anything whatever had been done. Still, notwithstanding that objection, as it was desirable that the opinion of the House should be unanimous, he thought it would be better to accede to the proposed alterations in the wording of the motion. He would assure the hon. and gallant Officer opposite that he was much mistaken when he supposed that those on his (Sir R. Peel's) side of the House had acted from party views in reference to this question. He had always fully estimated the difficulties which the gallant Officer had to encounter, but he had ever contended, that the responsibility of failure rested, not with the gallant Officer, not with the Legion, but with her Majesty's Government, who had originated and encouraged the expedition. For the disappointment resulting, the Government alone was responsible, and not the gallant Officer. He felt strongly the claims of the Legion; but there were other claims upon the Spanish Government which called equally loud for a settlement, and he could not consent to give the claims of the Legion precedence before those claims to which he alluded. There were the claims of British merchants recognised by Spain, and which she was bound by treaty to pay, but which had never yet been settled. Those claims demanded the utmost exertions of the Government to obtain their settlement, although he admitted, that the Government was bound to forward the settlement of both. The noble Lord had denied that the Government was in any degree responsible for the proceedings of Colonel Wylde, but he held in his hand an agreement accepted by the Spanish Government and signed by Colonel Wylde, and what, he would ask, was to be inferred from that document, but that the British Government had sanctioned his proceedings? He trusted the motion which had been made, would be unanimously agreed to, and that it would have the effect of obtaining for the officers and men of the Legion a settlement of their claims upon the Spanish Government. In giving his assent to this motion, he begged to be understood as in no degree implying an opinion that under any possible combination of circumstances they could be preferred against the British Government.

The Amendment suggested by Lord Palmerston was agreed to.

HOUSE OF COMMONS,

Wednesday, June 27, 1838.

Minutes.] Petitions presented. By Mr. F. French, from Medical Practitioners in Galway, and by Mr. Young, from those of Cavan, and of Belturbet, in favour of the Medical Charities (Ireland) Bill.—By Mr. Shaw, from the Apothecaries of Dublin, and from the Surgeons of the Lying-in-Hospital, Dublin, against the Qualification Clauses of the same Bill.—By Mr. Hawes, from Coach and Omnibus Proprietors, against that Clause of the Hackney Carriages Bill which required the Drivers to wear a Badge.—By Colonel Lowther, from a place in Westmoreland, against any further Grant to the College of Maynooth.—By Mr. Grote, from Proprietors and Managers of Steam Vessels in London, against various Clauses of the Bill for the regulation of the Delivery of Coals in the Metropolis.

Messrs. Praed and Bulwer.] The *Speaker* said, it is my duty to acquaint the hon. and learned Member for Aylesbury (Mr. Praed), that he was required to attend in his place to-day in consequence of the statement which was made last night by several Members of the House, that they were under apprehensions that the hon. and learned Member had left the House last night with the intention of taking hostile proceedings for expressions used in the course of debate by the hon. Member for Lincoln. How far those apprehensions are correct it is for the hon. and learned Member for Aylesbury now to state.

Mr. *Praed* said, that he was not responsible for the introduction of irrelevant matter into the discussion of last night, neither would he to-day be responsible for continuing the discussion to which he alluded. He had said nothing which could in the slightest degree offend the nicest sense of honour in any individual Member of the House, and he would go further, and say, that he had meant nothing offensive. He had, therefore, nothing to retract as to any thing he had said; neither had he used one word which could be impugned by any of the orders of the House, and therefore he had no apology to make to the House; but he knew perfectly well that the House was entitled to call upon him, not for an apology or excuse for any offence of which others had been guilty, but for an explicit statement of his intentions as to his future conduct in reference to this matter. Without going, therefore, into the cause which led to the course of conduct he had pursued, he would frankly avow to the House, that on leaving it last night, he had felt it due to that regard for his character for honour and veracity, without which he should be ashamed to sit in that House, to place his honour and his character in the hands of a friend. That friend sought an immediate interview with the hon. Member for Lincoln, but was unable to obtain it until midnight, and then his friend, before any message was delivered on his (Mr. Praed's) part, learned from the hon. Member for Lincoln the steps which the House had taken. On hearing them, his friend had stated on his behalf, that in that case he had no message to deliver and no duty to perform. He would only further state to the House, that his own views were perfectly in accordance with those of the friend in whose hands he had placed his honour, that he had no disposition to struggle with the powers possessed by the House. Under these circumstances, believing that he had done what he could, and was bound to do in vindication of his character and his honour, he now pledged himself to the House, without any reservation, that he should take no further steps in the matter.

Mr. *E. L. Bulwer* said, that as the hon. and learned Gentleman opposite stated that he had not intended to say anything calculated to wound the feelings of any individual possessing the nicest sense of honour, so he was bound to say, that in the observations he had last night made, there was nothing intended to excite the indignant feelings of the hon. and learned Gentleman. Since he had sat in the House he had never before been even suspected of wounding the feelings of any hon. Member, and it would give him pain to fancy he had wounded the feelings of the hon.

and learned Gentleman. He knew of no retractation he could make beyond the general expression of regret and pain that he had innocently been the cause of wounding the feelings of the hon. and learned Gentleman, and of occupying the time of the House by the discussion which had followed.

Lord *J. Russell* said, that having called the attention of the House to this matter with a view of preventing the consequences that might ensue, he felt bound to say, that he hoped the House would consider that the declarations made by the two hon. Gentlemen were satisfactory, and that there was no reason for either of those gentlemen supposing that his honour was wounded by what had taken place. He was of opinion that neither the House nor the hon. Gentlemen themselves had a right now to consider this matter as otherwise than as satisfactorily settled.

Subject dropped.

STEAM NAVIGATION.] Sir *R. Peel* wished to impress on her Majesty's Government the importance of its attention being directed to the accidents which were now constantly taking place in steam-vessels, and which went to create in the public mind a strong prejudice against those modes of conveyance. He thought it would be well if the Government was to appoint some person connected with the Ordnance Department to inquire and report upon the causes of the accidents by the explosion of steam-boats, and at the same time to establish friendly communications both with the authorities in the United States and in Paris, with a view to ascertain the causes of similar accidents in those countries. It did appear to him that the result of those communications and inquiries might possibly lead to a great saving of human life, and to effectual precautions against the occurrence of similar accidents. On looking at the American papers, he found that these accidents were now much more frequent than they were four or five years ago, and he feared that in this country the same was the case, and he repeated, that he thought by an interchange of information as to the cause of these accidents between this and other countries much useful matter might be acquired, and the interests of humanity thereby greatly served. He did not mean to advise the Government to take upon itself the responsibility of appointing a board of officers to examine into the construction of steam-ships, and to prevent the use of any engines except of a particular construction and under certain regulations, but when accidents had occurred, he thought there ought to be a careful examination into the cause, and a detail furnished as a warning for the future.

Lord *J. Russell* concurred with the right hon. Baronet, the Member for Tamworth, as to the impolicy of a board merely to give opinions upon the construction of steam-boats. Such a course would be neither wise nor prudent.

Mr. *Labouchere* denied, that accidents by steam-vessels had increased of late years; on the contrary, he believed the security of the steam navigation had been greatly increased.

Subject dropped.

The order of the day read for the further consideration of the report upon the Medical Charities (Ireland) Bill.

MEDICAL CHARITIES (IRELAND).] Mr. *French* said, the medical charities in Ireland were in number between 600 and 700; that 175,000*l.* a year was annually levied for their maintenance, and upwards of 1,500,000 persons were yearly relieved by them; that after deducting those relieved by the infirmaries, fever hospitals, and lunatic asylums—institutions to the efficient management of which he bore testimony, upwards of 1,000,000 of sick persons were found depending exclusively on the dispensaries; that the funds of these institutions were mismanaged, and that there was no professional education required by law for the person or persons who were to discharge the medical duties of these charities; that there were numerous instances of their offices being filled by persons who had not any licence to practise in medicine, in surgery, or in pharmacy. It was needless to tell the House, that in the poorer districts it was impossible to obtain these subscriptions, and the consequence was, that many most populous districts of ten and twelve miles square were without any medical establishment whatsoever, nowhere was there a power to enlarge them according to the necessary wants of the people, nor for supplying any deficiency of funds which might arise from casual circumstances. In the parts of Ireland where dispensaries were most numerous, they were still not proportionate to the necessities of the population. The county of Down, with a population of 352,571 persons, had but one medical institution for every 35,000 souls; Galway, with a population of near 400,000, had one to 28,000; Monaghan, with a population of 195,532, one to 24,000; Leitrim, with a population of 141,303, one to 28,000; Longford, one to 27,000; Antrim, Fermanagh, and Carlow, about one to 21,000; and, at the time the medical reports were published, Mayo, with a population of 400,000, had but one medical establishment in the county. He alluded to these facts for his own justification, as the reasons which induced him to propose vesting in the Lord-lieutenant the power of ordering the establishment of new hospitals and dispensaries. A considerable number of the dispensaries were attended by non-resident men, many of whom lived at such distances from their districts as to make the proper discharge of their duties a matter of physical impossibility—certainly, to render them of no earthly service in cases where prompt attendance was essential. There were numerous instances where the administration of three or four dispensaries was confided to the same person. He considered the medical officers ought to be prohibited from belonging to more than one of these institutions at the same time; for if they visited the poor at their own dwellings, their duties, properly discharged, would be extremely onerous. Lest it should appear to the House he was overstating the case, he would refer the House to the report of Sir David Barry and Dr. Currey, to show how fully borne out he was in everything he had said. The hon. Member quoted the 26th and 27th pages of their report. They state, the qualifications requisite to entitle a person to be elected medical attendant to a dispensary are not defined by law; the acts for establishing these charities contain no clauses relative to this important point; consequently, persons who have no diploma whatever, or are at best but students, are found in charge of dispensaries, and have confided to them a large number of poor, who are unable to apply for advice to any other quarter; they give instances where the medical officer is well paid, has a large district, and yet lives in a town several miles distant, where he keeps his dispensary drugs, often placed promiscuously with his own; sees what poor he likes, and pursues his private practice, the nearest point of his district being five or six miles, and the furthest fifteen or twenty miles. Both Sir D. Barry and Dr. Currey came to the conclusion, that without regular superintendence, no plan can succeed, and to the want of it they attribute entirely the deficiency of the present system. They report the rooms in which the medicines are kept to be generally the sole department belonging to the dispensary, in some cases sufficiently large and well aired, but too frequently presenting the most slovenly appearance; medicines were found spoiling in damp paper, or evaporating from unstopped bottles; drugs of a powerful kind were seen in bottles not labelled, or, what was worse, with wrong labels. In more than one instance no measure, weight, or scale, could be found on the premises; instruments for the more important surgical operations were seldom to be met with at dispensaries, and still less frequently were the property of the charity. The hon. Member also quoted the 16th page of the general report to confirm these statements. He would put it to the House, did not both justice and humanity call for an alteration in this system? At all times and in every country a number of persons would be found who were unable to furnish themselves with professional assistance during illness. In this rich country it was the case; a vast number of persons in England depended on the hospitals and dispensaries for medicine and advice. In London alone upwards of 250,000 persons were annually relieved by them. In Ireland, suffering under periodical disease and famine, where contagious fever constantly existed, where the habits of the people were such as to favour the origin and extension of contagion amongst the poor, the indispensable necessity of these institutions and their proper management must be apparent, and the fact is well authenticated, that wherever fever hospitals had been established, their beneficial effects were immediately perceptible, not only in checking disease, but in rendering it of a much milder nature. To show how liable to fever the peasantry of Ireland were, from the pernicious influence of their wretched habitations, scanty clothing, and miserable diet, he should refer to a pamphlet published by authority by Drs. Barker and Cheyne, which showed that in the short space of two years and a half, while typhus fever was raging in that country, 1,500,000 persons, nearly one-fourth of the population, were attacked by it, of whom 65,000 died; he found on an average of the years when no particular disorder was prevalent in Dublin, 135,000 persons, more than half the population of that city, were relieved by the hospitals and dispensaries. With all her necessities, he would beg of them to mark the contrast between Ireland and England in point of hospital accommodation. England had hospital accommodation for 1 in 1,911 of her population, Ireland but for 1 in 4,000. In her provisional infirmities England had one bed for every 2,543, all of which were usually occupied, Ireland but for one in every 5,827. More than two-thirds of the population of that country was at such distances from the infirmaries, that the most serious medical and surgical cases could not bear removal, or if removed, could not be admitted for want of room; even in the infirmaries, institutions he admitted to be well managed, he found in the returns, things he could not understand the reason of. Some infirmaries admitted in the year cases in the proportion of fourteen and a fraction to each bed, others from ten to twelve, and some not more than two and a fraction; the average cost for provisions for each internal patient, was in Londonderry *3l. 0s. 7d.*; in Donegal *2l.* 12*s. 2d.*; in Meath 11*s.* 11½*d.*; in Cork, at Mallow, 10*s.* 3½*d.*; and in Louth but 9*s.* 4½*d.* For the total cost in one hospital, the average was as high as *5l.* 6*s.* 10*d.*, in another as low as 1*l.* 10*s.* 4*d.* This extraordinary disparity could only be understood and explained by medical men, without whose assistance, as inspectors, it was vain to hope the medical institutions of the country could be rendered efficient, or that the public could understand why one particular hospital, or one particular system, was more effective than another. The hon. Member concluded by describing the provisions of the bill, and by saying, it was not the cause of the College of Surgeons, it was the cause of the most helpless class of the community—the destitute sick poor in Ireland, and as such he left the bill with confidence in the hands of the House.

Mr. *Shaw* objected to the qualification clauses of the bill, which he considered as offering only a nominal, and not a real, security for better medical education, and they were opposed by various departments of the medical profession in Ireland. The objection, as he collected, to the qualification clauses and schedule was, that it vested in the College of Surgeons a power of acting also as a College of Physicians, accoucheurs, and apothecaries, recognizing by statute an examination in medicine, pharmacy, and midwifery by the College of Surgeons, as of equal value with that of the various distinct departments, and, no doubt, it would then be easier and cheaper to get one diploma in medicine, surgery, pharmacy, and midwifery jointly, than separate diplomas from the bodies which now qualified distinctly in those various branches. No one held the College of Surgeons at Dublin in higher estimation than he; still he could not on that account consent to favouring them by statute to the prejudice of the other medical bodies. He did not think a bill for regulating medical charities merely, was the proper mode to legislate upon the important and very difficult subject of medical education, and that it was better not to attempt legislation at all on such a subject, than to do it imperfectly. He did not pretend to a full personal knowledge of this difficult and intricate question; but when the heads of the four great medical bodies objected to the bill in its present form, it was absurd to suppose it could become a law in the present session: but let those clauses relating to medical education be omitted, and he would not object to the remainder of the bill, which would be then a bill, in pursuance of the avowed object of the present, for the better regulation of medical charities in Ireland.

The *Attorney-General* was extremely concerned to think, that the same unanimity should not prevail amongst the members of the medical profession in Ireland as, he was happy to say, existed in Scotland. He should deeply regret that, because some medical bodies were dissatisfied with the bill, it should therefore be lost. But the principle which was laid down in the bill both with regard to medical education and medical practice would, he trusted, be adopted, if not in the present, at least in some future session, as the foundation of some general measure for the United Kingdom.

Mr. *Litton* opposed the bill, against which every chartered medical body in Dublin was arrayed in opposition, with the single exception of the College of Surgeons. He had also in his hand a statement hostile to the bill, which was signed by all the most eminent medical practitioners of Dublin.

Mr. Sergeant *Jackson* observed, that the bill contained so many objectionable clauses that he apprehended it would be useless to attempt to alter it in Committee so as to render it acceptable. He objected, for instance to the power given to the Lord-lieutenant of appointing additional governors to the medical charities of Ireland, if the number should fall short of that required by the bill. At this period of the session he did not think, that this bill ought to be proceeded with, there being so many objections to it; and he would suggest to his hon. Friend, the propriety of withdrawit for the present, and bringing it forward in a different shape next session.

Mr. *O'Connell* also hoped the hon. Gentleman would not press the bill this session. There were two considerations which ought to weigh with him in postponing it. First, instead of being in the hands of any individual, however respectable, it was a portion of the duty of the Government to take such a measure into their own hands. Secondly, they were at the beginning of a new experiment—that of the poor-law, a question which had been hitherto unknown in Ireland. Those charities, which for the greater part were voluntary, were instituted by gentlemen in Ireland, because there was no poor-law. They were now about to have a poor-law. They would consequently know next year what they could not know now; in all probability the whole question would be then essentially different, and he would therefore urge upon his hon. Friend, to whom the House was greatly indebted, the necessity of withdrawing it for the present.

The *Chancellor of the Exchequer* said, that he could not agree to the bill in its present shape, and thought his hon. Friend could withdraw it, without at all compromising its principle. He was sure until a system of superintendence of the medical charities was established, there would continue to be the same waste of the public funds.

Bill withdrawn.

HOUSE OF LORDS,

Friday, *June* 29, 1838.

MINUTES.] Bills. Read a first time:—Oaths Validity.—Read a second time:—Western Australia Act Extension; Party Processions (Ireland).—Read a third time:—Natives of India Protection.

Petitions presented. By Lord BROUGHAM, from the parishes of All Saints and St. Michael, and by Viscount STRANGFORD, from the Archdeacon and Clergy of the Diocese of Canterbury, against the Benefices Plurality Bill.—By the Bishop of EXETER, from Beerhaven, and another place, against the Educational System in Ireland; and for some Amendment in the provisions of the New Poor-law.—By the Duke of RUTLAND, from the Bingham Union, in Nottinghamshire, in favour of certain Clauses in the Law, but praying Amendment.—By the Bishop of EXETER, from Chipping, Wickham, Bucks, and the city of York, and by the Duke of RUTLAND, from two places in Leicestershire, against the continuance of the Annual Grants to the College of Maynooth.

HOUSE OF COMMONS,

Saturday, *June* 30, 1838.

MINUTES.] Bills. Read a first time:—Fishguard Harbour.—Read a second time:—Edinburgh and Leith Agreement.

Petitions presented. By Mr. PHILLPOTTS, from Inhabitants of Westminster, in favour of the Middlesex County Court Bill.—By Mr. BEAMISH, from the Pipe Water Commissioners of the city of Cork, to be exempted from the Municipal Corporations (Ireland) Bill.—By Mr. ROUND, from Elton (Essex), that the Surplus Revenues, if any, of the Church, should be applied only to Ecclesiastical purposes.—By Mr. BROADLEY, from the Hull and Selby Railway Company, against the Mails on Railways Bill.—By Mr. SHAW, from Dublin, and by Mr. F. HODGSON, from the Merchants and Shipowners of Berwick, for a reduction of Postage.—By Mr. B. HALL, from Inhabitants of London, against the Royal Exchange Building Bill.

VESTRIES IN CHURCHES.] On the Question that the Vestries in Churches Bill be recommitted,

Mr. *Hawes* rose to move the postponement of the recommittal of this bill, to which he entirely objected. The bill appeared to him to be framed with a desire to inculcate a superstitious reverence for the mere walls of the church. That was his opinion. The bill was wholly unnecessary and uncalled for, and exhibited a total disregard of the interests of the great body of Dissenters, who, under this bill, were to be taxed for the erection of vestry halls, while by taking from them the right to meet on parochial affairs in the body of the church, it went to abolish the last link of the chain which bound the Dissenters to the Church establishment. On these grounds, he moved as an amendment, that the bill be recommitted that day six months.

Mr. *Hume* seconded the amendment. He trusted, her Majesty's Government would not give their sanction to any such measure. If irregularities now took place at vestry meetings in churches, the law, as it at present stood, was sufficiently strong to punish the offence.

Sir *R. Inglis* supported the bill. He wished to know, whether the hon. Member for Kilkenny had ever read the form of consecration for buildings devoted to the service of the Church of England? It was evident from the prayers then offered up, that the building was intended to be set apart for the offices of religious worship, and to be used exclusively for that purpose, and this had been the doctrine of the

Church in all ages. The bill was intended for the prevention of brawls in churches, and only extended to parishes where the population exceeded 1,000 persons. He believed, that brawls would not take place where the population was small, and he was, therefore, content with the bill as it stood.

Lord *John Russell* observed, that there appeared a difficulty about this bill, which, if not strictly a question of form, affected very nearly the forms and privileges of that House. Whatever his hon. Friend, the Member for the University of Oxford might say, this bill undoubtedly changed an ancient and established usage. It did so by ordering, that no meeting should be held in any of the churches to which the act applied, except for the purposes of divine service, or such other ecclesiastical objects as should be approved of by the bishop of the diocese. Now, it was impossible to pass that enactment by itself; it was then necessary, that a number of other clauses should be introduced, enabling the vestries of parishes to remedy the inconvenience caused by the first enactment, by laying upon the inhabitants very considerable burthens. Subsequent clauses, therefore, provided that the vestries might levy any sums for altering or erecting buildings to hold their meetings in; and to lay the burthen upon the poor-rates. Perhaps the power here given, was unnecessarily extensive, but beyond all question, very extensive powers were absolutely necessary. Without entering into general reasoning upon the subject, it could not be forgotten what great dissatisfaction had been caused by the powers of levying money which had been intrusted to vestries in parishes. He wished to know from the Chair, whether this bill came within the forms of the House —whether the Lords having passed a bill, which, by itself, was a mere nullity, which only would put people to inconvenience, and be inoperative, that House was afterwards to add to it, clauses which would make it operative, and lay a great burthen on parishes, because if carried into effect, the House of Lords would be imposing a tax on the people of this country? The seven or eight clauses in that part of the bill were introduced by this House, as supplemental, to carry into effect the main purposes of the bill; and it appeared to him, that though not doing so directly, yet by agreeing to this bill, that House would be allowing one of its privileges to be broken in upon, and transferred to, or participated in by the House of Lords. He should have no objection to a bill with reasonable provisions, by which, with the general consent of the parish, some other room might be provided than the church, where meetings of this kind might be held. Such an alteration would be beneficial. But although some alterations might be necessary, which he did not deny, he could not agree, that by this bill the House of Lords should impose a large and undefined tax upon the people—a bill originating with them, and not with the House of Commons, in the first instance.

The *Speaker* said, that his attention had not been called to the bill till the present occasion; but if he understood the noble Lord correctly, these latter clauses had, in point of fact, been added in that House, and if that were so, there was no objection to the bill in point of form. There were various instances in which the House of Lords had legislated, in which the expenses, incidental to their legislation, had been left to the House of Commons to provide for, and there was no objection to this, because it gave that House a double check on the House of Lords—first, upon the merits of the measure itself; and next, upon the expense which it would entail.

Lord *Stanley* was glad to hear such a statement upon the authority of the right hon. Gentleman in the chair, which utterly and entirely demolished the whole argument of the noble Lord as to the matter of form. It had often been objected to the House of Lords, that they were too slack in originating measures of reform; and now, when they proposed to carry an improvement into effect, carefully avoiding, at the same time, trenching upon the privileges of the House of Commons, the noble Lord, the Secretary of State turned round on the bill, and said, "The Lords have been meddling with matters which ought to have originated with us, and I, as a Minister of the Crown, object to the reception of the bill on the ground of form." The question of form, however, having been disposed of, the question now was, whether the Government concurred with the measure itself. It was very desirable to ascertain this, as it was high time to relieve the Church from the scandal caused by the transaction of secular business within the walls of the edifice, which ought only to be devoted to those sacred purposes for which, and for which alone the fabric of the church was intended.

Lord *J. Russell* did not object to the bill as a Minister of the Crown, but as a Member of the House of Commons upon a point in which he believed the privileges of the House were concerned. He had stated that he regarded this as a matter directly affecting the House of Commons, and that if it was not a violation of the forms of the House, it was, in effect a violation of the spirit of their privileges, in accordance with which burdens upon the people ought to be originated there. He could not consent to any measure by which it was proposed to make a demand to an indefinite extent upon the pockets of the people. His object was, in the first place, to affix some limit to these expenses, and, in the second place, to give to the parishes themselves some choice or control as to whether these vestry rooms should be built.

Mr. *Clay* objected to the bill in toto, and on principle. After the churches in this country had for 700 years been used uninterruptedly for the purpose of holding public meetings of this description, it was now sought to deprive the people of this prescriptive right. He would be willing to give the hon. Member his support, provided he brought in another bill giving to parishes the power to determine whether or not any other place of meeting should be provided.

Lord *Dungannon* wished to see the system of holding vestries in the parish churches universally done away with. He considered, that tumultuous party squabbles utterly degraded the character of these sacred edifices. At these vestry meetings the most disgraceful scenes had occurred, instances of which could be quoted without number.

Mr. *O'Connell* remarked, that Ireland had been included in the operation of this bill as well as England. Had any case, let him ask, been made out for including Ireland? He had never heard of any tumults occurring in the churches of the establishment in Ireland, except at the vestries which had been held for the tithe commutation. But all this was gone by, and no pretext therefore existed for extending the provisions of the bill to Ireland. If this bill were allowed to pass, he should not be surprised at hearing of a resolution being passed at some vestry in the north of Ireland for building an Orange lodge at the expense of the parish. Scotland had been excluded altogether from the operation of this bill, and he hoped that Ireland would be also excluded. The hon. Member might, he thought, as well have brought in a bill to prevent the future desecration of Westminster Abbey by holding in it the coronation ceremonial. He had never seen either in Ireland or in Scotland such a scene of scrambling for seats, as he had witnessed in that venerable abbey on Thursday last. He hoped that it would be long before another coronation would take place. He should ce - tainly move that Ireland be exempted from the operation of the bill.

Dr. *Nicholl* supported the bill. In accordance with the suggestion of the noble Lord, he was perfectly willing to introduce a clause limiting the amount of the expenditure. He could not but express his surprise, however, at what had fallen from the noble Lord. The bill had been introduced in the House of Lords, and passed by their Lordships without one dissenting voice, or the slightest opposition having been offered to it on the part of Her Majesty's Government. With regard to petitions, he would just observe, that there had been three presented on the subject. Two of these were against the bill,—one from the parish of St. Leonard, Shoreditch, which, strange to say, claimed the right of having the use of the church at all times for party and political squabbles; the other from an individual, which he believed had never been laid on the table of the House. The petition in favour of the bill, and praying the introduction of the very clauses now objected to, was from the parish of St. Mary, Islington. In answer to the assertion that there had been no case made out for the bill, he would refer hon. Gentlemen to the cases which had occurred at Portsmouth, at Southwark, and at St. Leonard's, Shoreditch. He did not propose that the bill should come into operation until December, 1839, so that during the interim there would be abundant opportunity for the various parishes to prepare other places for such meetings, if they should think fit. They might be held, for instance, in the Mechanics' Institute or Town Hall, or any public building in the parish. With regard to what the hon. and learned Member for Dublin had stated, in reference to Ireland, if they should go into Committee on the bill, he would be prepared there to meet the hon. and learned Gentleman on that point. If the hon. Member, however, should satisfy him that Ireland ought not to be included he would have no objection to alter the bill in that respect.

Mr. *Briscoe* could not agree to this bill. He was of opinion that a general act to enable parishes, if they should think fit, to erect buildings for secular purposes, to which churches were now applied, was desirable. On that account he would not object to go into Committee, in order that the compulsory and objectionable parts of the bill might be amended, and provision made for removing the inconvenience of the present system.

Sir *R. Peel* conceived that the hon. Member who had just sat down had taken a fair view of the subject. There was evidently a strong desire throughout the country to prevent edifices intended for religious purposes from being used as arenas for political squabbles and discussions. That principle was generally assented to by hon. Members. Why, therefore, refuse to go into Committee, when it was clear that it was in a Committee only that the objectionable parts of the bill could be discussed with effect? Judging from the debates in that House, even during the last fortnight, could it be said, that they who were the representatives of the people of England were models of quiet and orderly demeanour, or that when excited by political contests they were not occasionally betrayed into scenes which could not be considered as fitting for a religious edifice? As to this bill being an innovation he had only to remark that the principle it embodied was distinctly sanctioned by a bill which had passed that House, and which was introduced by the right hon. Baronet, the Member for Nottingham in 1831. Then, as regarded the expense into which it was thought this bill would lead parishes, hon. Members seemed to labour under a mistake, as the parishes were in no way called upon to erect new buildings, unless they thought fit to do so. In 99 cases out of 100, the hire of a room at an expense of 4*l.* or 5*l.* would suffice for all purposes, just as it did at present when a parish chose to have a public dinner. And now for the dangerous principle! If it were dangerous, pray who introduced it? The act he had just referred to as having been brought in by the right hon. Baronet the Member for Nottingham, and which he held in his hand, was entitled "An Act to provide for the better regulation of vestries, and the appointment of auditors of accounts in certain counties in England and Wales," and contained an enactment to this effect, that when a vestry-room was not sufficiently large for a vestry meeting, it should be held elsewhere, but not in the chapel or church thereof. That was a bill brought in by the right hon. Baronet to prevent the desecration of sacred edifices by heated discussions upon similar subjects. The question now was, would the House assenting as it did to that principle, refuse to go into Committee on the bill.

Mr. *Aglionby*, in consequence of what had fallen from the right hon. Baronet, felt it necessary to observe, that his object was not to prevent meetings in churches, but to prevent them being held for the continuance of taxation. He wanted to take away the power of the Church to tax Dissenters for that with which they had nothing whatever to do. He wanted to remove the cause for those heated discussions at vestry meetings, but not to take away the rights which had been established for centuries of holding meetings for parochial purposes either in the vestry-room or church.

The House divided on the original question:—Ayes 141; Noes 70:—Majority 71.

List of the AYES.

Abercrombie, G.
Acland, Sir T.
Acland, T. D.
A'Court, Captain
Adare, Viscount
Ainsworth, P.
Alston, R.
Archdale, M.
Ashley, Lord
Bagge, W.
Bailey, J., jun.
Baring, H. B.
Baring, hon. W.
Barrington, Viscount
Bell, M.
Bethell, R.
Blackburne, I.
Blackett, C.
Blackstone, W. S.
Blake, W. J.
Bradshaw, J.
Bramston, T. W.
Briscoe, J. I.
Broadley, H.
Brodie, W. B.
Buller, E.
Buller, Sir J. Y.
Burroughes, H.
Calcraft, J. H.
Campbell, Sir H.
Canning, Sir S.
Chute, W. L. W.
Clive, hon. R. H.
Codrington, C.
Cole, Lord
Colquhoun, J. C.
Dalrymple, Sir. A.
Darby, G.
Douglas, Sir C.
Duncombe, T.
Dungannon, Lord
East, J. B.
Eastnor, Lord
Eaton, R. J.
Egerton, W. T.
Elliot, Lord
Ellis, J.
Estcourt, T.
Estcourt, T.
Fergusson, R. C
Fitzroy, Hon. H.
Fleming, J.
Freshfield, J. W.
Gaskell, J. M.
Gibson, T.
Gladstone, W. E.
Gore, O. W.
Grant, hon. Col.
Grimsditch, T.
Grimston, Visc.
Grimstone, hon. E.
Hale, R. B.
Halford, H.
Harcourt, G. G.
Hardinge, Sir. H.
Hawkes, T.

Hayter, W. G.
Heneage, G. W.
Henniker, Lord
Hepburn, Sir T.
Hobhouse, Sir J.
Hodgson, R.
Hogg, J. W.
Holmes, W.
Hope, hon. C.
Houldsworth, T.
Howard, P. H.
Hughes, W. B.
Ingham, R.
Inglis, Sir R. H.
Jackson, Sergeant
James, Sir W. C.
Jermyn, Earl
Johnstone, H.
Kemble, H.
Kinnaird, A. F.
Kirk, P.
Langdale, hon. C.
Lascelles, hon. W.
Lefevre, C. S.
Lefroy, T.
Liddell, H. T.
Litton, E.
Lockhart, A. M.
Mackenzie, T.
Mahon, Visc.
Manners, Lord C.
Marsland, T.
Marton, G.
Master, T. W. C.
Maunsell, T. P.
Murray, J. A.
Palmer, J.
Parker, R. T.
Parker, M.
Peel, Sir R.
Pendarves, E. W.
Perceval, Colonel
Plants, J.
Praed, W. M.
Praed, W. T.
Price, R.
Rice, E. R.
Round, C. G.
Round, J.
Rushbrooke, Colonel
Rushout, G.
Russell, Lord J.
Sanford, E. A.
Shaw, F.
Sheppard, T.
Slaney, R. A.
Stanley, E. J.
Stanley, Lord
Stansfield, W. R.
Stewart, J.
Stuart, V.
Sturt, H. C.
Thomas, Colonel H.
Townley, R. G.
Vere, Sir C. B.
Verner, Colonel.
Vivian, J. H.
Vivian, J. E.
Waddington, H.
Wilbraham, B.
Williams, W. A.
Winnington, T.
Wood, T.
Wrighton, W. B.

TELLERS.
Fremantle, Sir T.
Nicholl, T.

List of the NOES.

Aglionby, H. A.
Archbold, R.
Bannerman, A.
Beamish, F. B.
Bewes, T.
Blake, M. J.
Bowes, J.
Bridgeman, H.
Brocklehurst, J.
Brotherton, J.
Butler, hon. Col.
Codrington, Admiral
Collier, J.
Collins, W.
Crawford, W.
Curry, W.
Dalmeny, Lord
Divett, E.
Duke, Sir J.
Ellice, Captain A.
Evans, W.
Fielden, J.
Fenton, J.
Finch, F.
Fitzroy, Lord C.
Gratton, H.
Hastie, A.
Hector, C. J.
Hill, Lord A. M.
Hindley, C.
Hodges, T. L.
Hoskins, K.
Hutt, W.
Jephson, C. D. O.
Lushington, Dr.
Lushington, C.
Marsland, H.
Maule, hon. F.
Melgund, Viscount
O'Brien, C.
O'Connell, D.
O'Connell, J.
O'Connell, M. J.
O'Connell, M.
O'Ferrall, R. M.
Parrott, J.
Pease, J.
Pechell, Captain
Phillips, M.
Phillpotts, J.
Potter, R.
Rundle, J.
Salwey, Colonel
Sheil, R. L.
Smith, B.
Somers, J. P.
Stanley, W. O.
Stewart, R.
Stuart, Lord J.
Style, Sir C.
Thornley, T.
Turner, E.
Turner, W.
Vigors, N. A.
Walker, C. A.
White, A.
Williams, W.
Wilshere, W.
Worsley, Lord
Yates, J. A.

TELLERS.
Hawes, B.
Clay, W.

House went into Committee.

On Clause 1 being proposed,

Mr. Aglionby would propose, that the clause be made permissive, and that meetings be allowed in the churches of all parishes, if the vestry thought fit to order it.

Dr. Nicholl opposed the amendment, as destructive of the principle of the bill.

Lord *Stanley* said, that if the permissive principle were adopted, the effect would be, that parishes where the remedy was most called for, would be those where there would be the most difficulty in inducing the inhabitants to remove their place of meeting.

Mr. *Clay* said, that if the bill were adopted, it would impose an additional tax of 2,700,000*l*. on the people of England. If the hon. Member did not make his bill permissive, he (Mr. Clay) would give it every possible opposition.

Mr. *Brotherton* stated his determination to oppose the bill by every means in his power, if the hon. Member refused to make it permissive.

Mr. *Freshfield* considered the holding of meetings in the body of the church disgraceful, and the question was, whether a remedy was to be applied to an evil which was loudly complained of. If they wished to remove the evil effectually, it was impossible to adopt the amendment which had been proposed; for if they agreed to sanction the permissive principle, matters would remain exactly as they were at present. He could not consent that the parishes should have the power of holding meetings in the churches or not, just as they pleased, and he should therefore support the clause as it stood.

The Committee divided on the Amendment:—Ayes 68; Noes 88.—Majority 20.

List of the AYES.

Abercromby, hn. G.R.
Archbold, R.
Beamish, F. B.
Bernal, Ralph
Bewes, T.
Blake, M. J.
Bridgeman, Hewitt
Briscoe, J.
Brocklehurst, J.
Brotherton, J.
Butler, hon. Col.
Clay, W.

Codrington, Adml.
Collier, J.
Crawford, W.
Davies, Col.
Divett, E.
Elliot, hon. J. E.
Evans, Wm.
Fenton, J.
Fergusson, rt. hn. R. C.
Finch, Francis
Fitzroy, Lord C.
Gordon, R.
Grattan, H.
Hill, Lord M. A. C.
Hindley, C.
Hobhouse, right hon. Sir J.
Hodges, T. L.
Hoskins, K.
Howard, P. H.
Ingestrie, Visct.
Langdale, hon. C.
Lushington, Doctor
Lushington, Charles
Maule, hon. F.
Murray, rt. hon. J. A.
O'Brien, C.
O'Connell, D.
O'Connell, J.
O'Connell, M. J.
Parker, J.
Parrott, Jasper
Pease, J.
Pendarves, E. W. W.
Philips, M.
Phillpotts, J.
Rice, E. R.
Roche, D.
Rundle, J.
Russell, Lord J.
Salwey, Colonel
Slaney, R. A.
Smith, B.
Speirs, Alexander
Stanley, W. O.
Stansfield, W. R. C.
Steuart, R.
Steuart, Lord J.
Style, Sir C.
Turner, E.
Vigors, N. A.
White, A.
Wilbraham, G.
Williams, William
Williams, W. Addams
Worsley, Lord
Wrightson, W. B.

TELLERS.

Aglionby, H.
Hawes, B.

List of the NOES.

Ashley, Lord
Bagge, William
Bagot, hon. W.
Bailey, J. jun.
Baring, hon. W. B.
Barrington, Lord
Blackstone, W. S.
Bradshaw, J.
Bramston, T. W.
Broadley, Henry
Broadwood, Henry
Buller, Sir John Y.
Burroughes, H. N.
Calcraft, J. H.
Canning, rt. hon. Sir
Chute, W. L. W.
Codrington, C. W.
Cole, Lord Viscount
Darby, George
Dungannon, Viscount
East, James Buller
Egerton, W. T.
Eliot, Lord
Ellis, J.
Fitzroy, hon. H.
Fleming, J.
Fremantle, Sir T.
Freshfield, J. W.
Gaskell, J. M.
Gladstone, W. E.
Grant, hon. Colonel
Grimsditch, T.
Grimston, Viscount
Grimston, hon. E. H.
Hale, R. B.
Halford, H.
Hawkes, T.
Heneage, G. Walker
Henniker, Lord
Hepburn, Sir T. B.
Herries, rt. hon. J. C.
Hodgson, R.
Holmes, W.
Hope, hon. C.
Hughes, W. B.
Ingham, R.
Inglis, Sir R. H.
Jackson, Mr. Serjeant
Jermyn, Earl
Johnstone, H.
Kemble, H.
Kirk, P.
Lascelles, hon. W. S.
Litton, Edw.
Lockhart, A. M.
Mackenzie, T.
Mahon, Lord
Manners, L. C. S.
Marsland, T.
Master, T. W. C.
Matthew, G. B.
Maunsell, T. P.
Percival, Col.
Planta, rt. hon. J.
Praed, W. M.
Price, R.
Round, C. G.
Round, J.
Rushbrooke, Col.
Rushout, G.
Shaw, rt. hon. F.
Somerset, Lord G.
Stanley, Lord
Sturt, H. C.
Vere, Sir C. B.
Verner, Col.
Waddington, H. S.
Walker, R.
Wood, T.

TELLERS.

Nicholl, J.
Estcourt J. G. B.

On the question being again put, Mr. O'Connell moved that the chairman do now report progress.

The Committee divided:—Ayes 54; Noes 88:—Majority 34.

Lord *Worsley* said, he thought to hurry a bill of this kind through the House must prove injurious instead of beneficial, as was expected to the Church of England, and he should therefore move that the chairman do now report progress, and ask leave to sit again.

Mr. Hawes supported the motion.

The galleries were then cleared, and the Committee again divided:—Ayes 42; Noes 61:—Majority 19.

List of the AYES.

Archbold, R.
Beamish, F. B.
Bewes, T.
Blake, M. J.
Brocklehurst, J.
Brotherton, J.
Clay, W.
Codrington, Admiral
Collier, John
Divett, E.
Elliot, hon. J. E.
Fenton, J.
Fergusson, rt. hon. C.
Finch, F.
Grattan, H.
Hindley, C.
Hodges, T. L.
Howard, P. H.
Langdale, hon. C.
Lushington, C.
Maule, hon. F.
O'Connell, D.
O'Connell, J.
O'Connell, M. J.
Parker, J.
Parrott, J.
Phillips, M.
Roche, D.
Rundle, J.
Salwey, Colonel
Smith, B.
Stanley, W. O.
Stansfield, W. R. C.
Stuart, R.
Steuart, Lord J.
Style, Sir C.
Vigors, N. A.
Wilbraham, G.
Williams, W.
Williams, W. A.
Worsley, Lord
Wrightson, W. B.

TELLERS

Aglionby, H,
Hawes, B.

List of the NOES.

Bagge, W.
Bailey, J. jun.
Baring, hon. W. B.
Barrington, Lord
Bradshaw, J.
Bramston, T. W.
Broadley, Henry
Broadwood, H.
Buller, Sir J. Y.
Burroughes, H. N.
Calcraft, J. H.
Canning, rt. hon. Sir S.
Chute, W. L. W.
Cole, Lord Viscount
Darby, G.
Dungannon, Lord
East, J. B
Egerton, W. T.
Ellis, J.
Fleming, J.
Fremantle, Sir T.
Freshfield, J. W.
Gaskell, J. M.
Gladstone, W. E.
Grant, F. W.
Grimsditch, T.
Grimston, Lord Vis.
Grimston hon. E. H.
Hale, R. B.
Hawkes, T.
Heneage, G. W.
Henniker, Lord

Hepburn, Sir T. B.
Herries, rt. hon. J. C.
Hodgson, R.
Holmes, W.
Hope, hon. C.
Hughes, W. B.
Ingham, R.
Jackson, Sergeant
Jermyn, Earl
Kemble, H.
Litton, E.
Lockhart, A. M.
Mahon, Lord Visct.
Manners, Lord C. S.
Marsland, T.
Master, T. W. C.
Matthew, G. B.
Maunsell, T. P.
Perceval, Colonel
Praed, W. M.
Price, R.
Round, C. G.
Round, J.
Stanley, Lord
Vere, Sir C. B.
Verner, Col.
Waddington, H. S.
Walker, R.
Wood, T.

TELLERS.

Nicholl, J.
Estcourt, T. C. B.

Other motions to arrest the progress of the bill having been made, Dr. Nicholls, its promoter, consented to the House resuming. The Chairman accordingly reported progress.

Committee to sit again.

HOUSE OF LORDS,

Monday, July 2, 1838.

MINUTES.] Bill. Read a second time:—Pluralities.

Petitions presented. By Lord HATHERTON, from Inhabitants of West Bromwich, in favour of a National system of Education.—By the Duke of RUTLAND, from the Clergy of the Archdeaconry of Leicester, against certain Clauses in the Benefices Plurality Bill.—By the Earl of RADNOR, from the Guardians of the Poor of the Union of Aston (Stafford), in favour of the New Poor-law.—By the Marquess of LANSDOWNE, from Clergymen of the Diocese of Norwich, to make the provisions of the Pluralities Bill more stringent than at present.—By the Bishop of ROCHESTER, from Clergymen in the Diocese of Norwich, against the 15th and 16th Clauses of the Benefices Plurality Bill.—By the Bishop of DURHAM, from the Clergy of Durham, in favour of the Bill.

APPOINTMENT OF MR. TURTON.] Lord *Wharncliffe* rose to put a question to the noble Viscount opposite, on the subject of the appointment of an individual of the name of Turton, to an important situation in Canada. The subject had been noticed on two former occasions by a noble Friend of his (the Earl of Winchilsea). When the first application was made, the noble Viscount gave a reply which, at the moment, appeared to be satisfactory. The answer of the noble Viscount he should read. He quoted it from the usual sources, but he believed he could say, that it was given *ipsissimis verbis*. The answer was—"that no legal adviser had been appointed; and, on reconsideration, it was not deemed necessary to make such an appointment." Two days afterwards, in consequence of circumstances which had arisen, the question was renewed by his noble Friend, which drew from the noble Viscount an answer that was calculated to be satisfactory to his noble Friend and to the public. The statement of the noble Viscount was given with more particularity and with more force in answer to that question than was observable on the former occasion, and his noble Friend was quite satisfied that no appointment of the nature alluded to was contemplated. On that occasion, the answer of the noble Viscount (and he could vouch for the perfect accuracy of it) was this—"I have no difficulty whatever in answering the observations of the noble Earl;" and he then proceeded to say, that he would make no remarks on matters introduced by the noble Earl with which he was unacquainted; "but," observed the noble Viscount, "I shall confine myself most strictly to answering the questions which the noble Earl has put to me. I say then, first of all, that no situation whatever was offered by her Majesty's Government to the gentleman whose name he has alluded to; and next, that that gentleman has gone out to Canada, if he has gone out at all—which I do not mean to deny—without any appointment, without any prospect of an appointment, and without any intention on the part of the Government, or on the part of my noble Friend, the Earl of Durham, to appoint him to any public situation whatever." Now, after having received that answer from the noble Viscount, he confessed that he thought it most extraordinary to see, by an extract from the *Quebec Gazette*, that this gentleman (Mr. Turton), did go out to Canada in the same ship, and in the same society, with Lord Durham; and that he was, in the same *Gazette*, stated to have been appointed to the situation of second secretary to the Government—the post of first secretary having been conferred on a Member of the other House of Parliament. He did not know how to reconcile this fact with the answer of the noble Viscount, and, as coming from such a source as the *Gazette*, he could entertain no doubt of its existence. It was, therefore, quite clear, that, at the time when Mr. Turton went out (notwithstanding what had been said by the noble Viscount), the Earl of Durham had formed a determination to appoint him to some situation. As to the character of this gentleman, or the circumstances which had been mentioned on a former night, he should be most unwilling to advert to them. They shrank to nothing in comparison with the importance of having answers given by Ministers of the Crown, when questions were put to them, which might be fully depended on. It was of great importance to the proceedings of that House, that they should be able to depend on the statements made by Ministers, and that nothing said by them should, in any case, turn out to be contrary to the facts of the case. It appeared to him, in bringing this particular point forward, to be an unimportant part of the case, whether this gentleman was or was not fit for the situation to which he had been appointed. But, setting that aside, his object in putting this question to the noble Viscount was, to enable the noble Viscount to set himself right with their Lordships, and to assert the principle, that, when questions were asked, such answers should be given as their Lordships might fairly be able to depend on.

Viscount *Melbourne* could not deny the accuracy of the statement made by the noble Lord. He admitted, that the words he had used on the occasion alluded to, as quoted by the noble Lord, were exactly accurate. He believed, that the despatches received from Lord Durham, contained no account whatsoever of that appointment, or the grounds on which such an appointment was intended to be made. The statement, however, which had been quoted by the noble Lord from the *Quebec Gazette*, left no doubt as to the fact. As for himself, he could only say, that it was with very great concern and surprise that he saw that appointment announced. At the time that he made the statement to the House which had been referred to, he felt confident that no such appointment would take place.

Lord *Brougham* said, that considering the station he had held at the time the cause in question was before the House (for by this House it had been decided), and he (Lord Brougham) had assisted in its decision, he regretted he felt himself in the absolute necessity, for the sake of common humanity, if not of justice, of prolonging for a moment (and it should not be longer) the present discussion. He had no doubt that his noble Friend at the head of the Government had, at the time he made the reply to which the noble Lord opposite (Lord Wharncliffe) had adverted, no expectation that the nomination and appointment in question would take place; nay, that he had received an assurance in that respect on which his noble Friend had proceeded. With regard to the learned Gentleman whose conduct had led to the present conversation, he had no desire to commend that which had drawn forth the deep reprobation of this House, in so far as to induce it to pass, contrary to usual rule, a divorce bill, at the instance of his wife, against the husband, for adultery. It was perfectly well known, and without any attempt to extenuate it, that the charge against Mr. Turton was a foul offence in a moral point of view—it was the seduction, and there was no denying it, of so near a relative of his wife as her sister; but it was attempted to mix up that offence with that which he admitted would greatly aggravate it—viz., incest. Now, it should be remembered, that the great bulk of the offence was the seduction; because there were many persons who believed it to be the law of God, (and it was known to have been, until three years ago, after Mr. Turton's case, the civil law of the land, as distinguished from the ecclesiastical law), that it was no incest for a man to marry the sister of his deceased wife. Many men had married their late wife's sisters. Mr. Edgeworth, for instance, it could not be denied, had married two sisters. Many noble persons had done the same thing, and the marriage was valid by Act of Parliament. In making this statement, he begged not to be misunderstood; he wished to say nothing to extenuate the crime of seduction; all he meant was, to say something to mitigate the censure which had been passed by so many on the ground of incest. He thought it his duty to say thus much; and he would merely add, that in all his other conduct through life, the learned person, the subject of the present conversation, had been most scrupulously correct, and that this offence, he admitted a very aggravated one, was the only charge ever brought against him. He was a person of the highest attainments in his profession, and in order to accompany the Earl of Durham on his mission, had sacrificed a professional income secured to him as the advocate of certain claimants from Bengal of 2,000*l.* per annum. He felt it to be his duty to say thus much, as great exaggerations had gone forth on this subject.

The Bishop of *London* said, it was impossible for him to suffer the speech of the noble and learned Lord to pass without entering his solemn and earnest protest against the doctrine which the noble and learned Lord had laid down. He would not allude to the particulars of the case in question, but he must ask, was this House to be told, that the law under which marriages were contracted in this country was the less sacred because it was the law of the Church, and not the law of the land? He was prepared to maintain, that it was for the interests of morality and of virtue that the law should be upheld, whatever the particular case upon which that law was founded might be, and he would not here question the comparative guilt between the two cases stated by the noble and learned Lord, but he must, as a minister of the Church, and of the laws of the Church, protest against the admission of any such doctrines as those laid down by the noble and learned Lord.

Lord *Brougham* said, that he had protested against the offences of seduction and adultery; the right rev. Prelate had done the same. He had added, that he held the seduction of the wife's sister was a great aggravation of the offence. He would not apologize for repeating the word seduction a third time, because it had suited the purpose of the right rev. Prelate to forget just so much as he had said as was necessary for the right rev. Prelate to prepare an invidious protest against his observations. He denied also, that he held or maintained a different code of morality to the right rev. Prelate. He had expressed his abhorrence of the crime of adultery, and had only sought to separate it from the offence of incest. He repeated, if it was incest for a man to marry his late wife's sister, there were many men who sat in that House—who held a station in society—with whom, for aught he knew, the right rev. Prelate himself associated, who had been guilty of that crime. There was, he maintained, as regarded seduction, a difference between lawful and illicit connexion, but both he had reprobated three times over, if the right rev. Prelate would have done him the justice to remember what he had stated, if the right rev. Prelate could understand it, and would not have occupied himself in preparing an invidious protest against that which he had said.

The Bishop of *London* thought the House was indebted to him for having given the noble and learned Lord an opportunity of expressing that of which, in his first speech, he had not given the least intimation. So far from intending anything invidious towards the noble and learned Lord, for whose talents and abilities he entertained a sincere and unfeigned respect, he trusted the noble and learned Lord would do him the justice to think that he had risen simply with a view to discharge the duty he felt he owed to the Church, to the religion of that Church, and the laws founded upon that religion.

Subject dropped.

CORN LAWS.] Earl *Fitzwilliam* rose to present, with others on the same subject, a petition from a considerable portion of the inhabitants of the city of Glasgow, praying for the unconditional repeal of the Corn-laws. The grounds on which they called for the repeal of those laws were fully set forth in their petition, and in those grounds he fully concurred. In his opinion, the great mass of the people were justified in holding those laws in the light they did, and he was satisfied that the view they took of the present effect of those laws, and of their ultimate effect on the manufacturing and commercial interests of the country were founded in strict truth. He regretted that many of their Lordships did not hold the same opinion on this truly important subject. The opinions, however, of the petitioners were, that this code of laws was of an anti-commercial character—that they interrupted the intercourse of the nation with foreign nations by preventing a trade with them for their products, and also by preventing foreign nations taking from Great Britain those manufactures which she was engaged in producing. He was also fully sensible of the effects those laws had produced on the labouring classes of the community, by necessarily raising the prices of those manufactures which this country had to dispense amongst other nations, and also by raising the price of the necessaries of life. Of course, at this late period of the Session he had no intention of asking their Lordships to pronounce an opinion upon the question, and therefore he should not consult their Lordships' convenience if he now entered into any details. He trusted, however, that the allegations contained in the petition he had presented would be well considered by the House, and the grounds upon which the petition had been presented would be seriously deliberated. In the mean time he begged it to be understood, that because the petition came from a district, it did not represent the views and feelings of a great mass of the people. It was the misfortune of this question of corn-laws, that when the first necessaries of life were sold at a reasonable rate, the great masses of the people did not attach to it that importance which it deserved; but, in his opinion, when, by operation of the seasons, or by any political or other cause, the prices were raised to their greatest height, the people would call for this code of protection, as it was called, to the agricultural interests being entirely swept away, and that a duty on foreign corn would be imposed for the purposes of revenue. That it would come to this he had not the slightest doubt; because, however prosperous this country might have been for several years back, it was impossible for even the most sanguine of men to entertain the expectation that there might not be a change in the seasons, and the effects that change might produce on the price of corn in this country. Depend upon it that this code of laws, passed to protect the agricultural interests at the expense of the manufacturing and agricultural labourers, could not be maintained, and therefore, in his humble judgment, it would be wisdom on the part of the House calmly to consider the effects of those laws as shown by the history of them from their first enactment twenty-three years ago. The noble Earl concluded by moving, that the petition be read at length.

Petition read.

The Duke of *Richmond* said, there was one part of the petition to which he could not but advert. He denied, that he, and those who thought the corn-laws a necessary protection for the agricultural interests, had any intention, as was suggested, of doing mischief to, or injuring, the labourers in the manufacturing districts. They maintained these laws as necessary, being aware that the country could not flourish unless the interests of the labourers who cultivate the soil and those employed in manufactures were consulted, and they thought those interests best served, taxed as agriculture was, by enabling the British farmer under these protecting laws to compete with the foreign farmer.

Earl *Stanhope* had heard it stated, that it would be of great advantage to the workmen and manufacturers to abrogate the laws, but he must affirm, that the subject was wholly indifferent to them, and that the only effect of the repeal of the corn-laws would be to reduce in the same proportion the wages of labour. The result would be to reduce the wages of the labourer, and give to capital an undue predominance. If the noble Earl would reduce the wages of the labourer in England to the same rate of payment which existed on the Continent, he must be also prepared to avow that he was ready to reduce the public taxation and expenditure to the same as that of the Continent. If the measure propounded in the petition, and supported by the noble Earl, were to be adopted, he thought the people would be entitled on every principle of justice, and not only they, but every owner of land also, to refuse the payment of taxes. He was not one of those who had given, or ever would give, that advice which the noble Earl was represented to have given to the people in the county of York. The noble Earl was represented, and it was generally believed to be true, to have advised his friends and neighbours, lest Parliament should not be sufficiently pliable to their wishes, to "button up their pockets." The noble Earl advised the people to refuse the payment of taxes unless Parliament chose to pass that Reform Bill which had now fallen into utter odium and contempt. He (Earl Stanhope) had never given such advice; but in a case like that contemplated, he thought the people might well adopt it. He hoped they would generally follow the advice which was given during the agitation of the Reform Bill, and refuse all rates and taxes if this measure were adopted.

Lord *Ashburton* should not go into the subject fully, most important as it was, for it was impossible that there could be a question of greater importance than that involved in the maintenance or repeal of the corn-laws. He believed that the present corn-laws were generally considered to have worked better than any other system. When the noble Earl talked of the great prosperity likely to be enjoyed by the country if there were no corn-laws and the price of corn were reduced, he must say that the price of provisions was by no means a criterion by which to settle the question. Great nations enjoyed other advantages which free institutions brought with them, beyond the mere cheapness of food. If they looked merely to that, they would find those countries of Europe where food was cheap, in the most miserable condition. Look at Poland, for instance. In the account written by Mr. Jacob after his travels, he states, that he never saw wheaten bread in the hands of any labourer east of the Rhine. The price of bread, then, was not the material point to be considered. He did not see why they should be discussing statements in newspapers, or vague rumours, which were calculated to make foreigners think we were a nation of paupers, and which, when they arrived at Dovor, only tended to increase their surprise, for they saw every thing to be quite the reverse from that they had been led to expect. While on this subject he would advert to a proposition which had been made in the House of Commons for grinding corn in bond for the purpose of exportation; he must say, that with every desire to protect the agricultural interests, being convinced that such a measure would be for their benefit, he very much regretted, that the friends of the landed interests in this country had opposed that very salutary measure; but he thought they had done so under a mistaken opinion that it was calculated to do serious injury to that interest, whereas it would not only do none, but be beneficial and lead to the general prosperity of navigation and commerce besides. Although the landed interest might build on the protection and support to be derived from their friends in both Houses of Parliament, yet, they ought to pursue a course that was reasonable and just, and then they might rely with confidence on the number of votes in Parliament, which otherwise might prove an unsafe reliance; and they ought not to oppose any measure unless they could prove, that it would be prejudicial to themselves.

The Earl of *Hardwicke* suggested, that it was necessary to know whether they were safe and secure on the subject of the corn-laws. He had risen to elicit an opinion from the noble Lord opposite, whether he was in favour of the repeal of the corn-laws, or whether he was determined to pursue the course pointed out by those persons who had before petitioned the House, and put off any further consideration of the subject.

Lord *Portman* said, no one could look at the present state of the corn markets without feeling that this question was likely to come before Parliament, in the shape of a substantive motion at an early period, perhaps, in the next Session, and that perhaps under circumstances of peculiar difficulty and interest. Not far hence, perhaps, two difficulties would arise in connexion with this subject, which would require the most serious attention of every Member of both Houses of Parliament: either there would be a great deficiency in the supply of bread, or an immense diminution in the price of wheat. He apprehended, also, that they might be called on to decide whether a fixed duty, under the circumstances of the case, would be most likely to give full protection to the landed interest. He should not have ventured a word on this question had not his noble Friend stated his opinions with respect to what was called the "Grinding Bill." He was glad that the House had rejected that bill, if it were for this reason only, that, looking at the price of corn in the market at present, he considered that they were bound to keep every grain of it in the country, and not increase facilities for exporting it.

Viscount *Melbourne* said, that it was not his intention to have taken any part in this discussion, or to have expressed on the present occasion any opinion in regard to a subject which he considered to be of the greatest importance, and the agitation of which was calculated to affect in a very material degree, all the great interests of the country. Having, however, been decidedly and distinctly called upon by the noble Lord opposite to express his opinion on the question under consideration, he could not reconcile it to his duty to sit silent. The noble Lord had said, that it was important to know the intentions of her Majesty's Government in reference to the corn-laws, but he considered that the opinions of Ministers speaking as individuals, could not be more important than the opinions of other Members of their Lordships' House. The opinions of Ministers were only important as affording an indication of what the Government intended to do, and for himself, looking at the state of the country, and considering the magnitude of the question, and the vast and important interests with which it was connected, he must say, that it was far from his intention to introduce any measure for altering the present corn-laws, or for disturbing the system which at present existed. He did not mean on the present occasion to express any opinion in regard to the principle on which that system was founded, or in regard to the system itself, but that system having now been in operation ten years, he felt bound to say, that in his opinion it had acted well for the interests of all parties, much better than was expected, and much better than could have been anticipated by any one. Holding these views, he certainly would not attempt to alter the system which had been established, nor would he ever introduce any new system of corn-laws, founded on a different principle from the present, unless a decided opinion was expressed on the subject by a large majority of the people. But he believed the system to have operated well, and that it would be dangerous to touch it. He feared that if they were to touch the system, they would lose all the advantages which it was calculated to produce, and that, without gaining any other advantage, they would incur evils of the greatest magnitude. It was not, therefore, his intention to propose any alterations in the present system of corn-laws. He agreed with his noble Friend in what he had said of the importance of this subject, and that it had reference to all the important interests of the country, and that it was intimately interwoven will all matters of policy. But while it was deeply related to the general policy of the country, it was still more particularly to be considered as a question of revenue and finance. It was as a question of revenue and finance that this subject ought to be considered, and while these might flourish under restrictions, while they might flourish under difficulties and in times of depression and distress, while they might flourish under circumstances apparently the most adverse, and in a climate the least congenial, yet their Lordships might rest assured that they could never flourish under a system of perpetual fluctuation. There was the great danger. Next to change the great evil to be avoided was the fear of change, which produced effects scarcely less disastrous than change itself. He, therefore, begged distinctly to state, that it was not his intention to propose any immediate alterations in the present corn-law system.

Earl *Fitzwilliam*, as the friend of Ministers, had heard with feelings of great sorrow the opinions which had been expressed by the noble Viscount, and he should have felt the deepest regret in regard to the statement made by the noble Viscount, if he had not felt assured, that the declaration which the noble Viscount had made, extended to nothing beyond the present intentions of the Government. He understood the noble Viscount simply to say, that in the present circumstances of the country he did not consider it advisable to make any alteration in the corn-laws, and that he had not expressed a firm determination against reconsidering the present protective system under a more favourable combination of circumstances. That was the extent, in his opinion, of the declaration made by the noble Viscount. If he were to express his opinion in regard to the existing corn-laws, he should say, it was because they were a system, that he objected to the present code of laws. By that system it was attempted to accomplish an object which he considered beyond the reach of human power to effect. The system, therefore, in his opinion went to counteract the designs of the beneficent Ruler of the universe, and to prevent that interchange of commodities and that free enjoyment of the produce of the various portions of the globe, so essential to the comfort and happiness of the people. The declaration of the noble Viscount did not convey all that some thought it did convey, and he thought the warm language which had been used on both sides of the House afforded a proof of the dangerous position they were placed in by endeavouring to establish a protection for one class which was enjoyed by no other. He said that the protection afforded to the agriculturists was enjoyed by no other class of society, because the principle on which all their recent commercial regulations was founded required that a fixed protection of only 30 per cent: should be given to the manufacturers: That was the principle on which all their late commercial regulations had been founded, and the complaint was general amongst the manufacturers that agriculture enjoyed a much greater protection. The noble Earl opposite (Earl Stanhope) had curiously asked how rents and taxes were to be paid if the corn laws were repealed? Why, the protection given to corn was itself a tax upon the people, and surely it could not be argued that the continuance of one tax would render them the better able to pay other taxes. In regard to what had been said by the noble Lord opposite, (Lord Ashburton), he was always inclined to hear with the greatest respect any observations which he might offer upon this subject, and he trusted, that the remarks of the noble Lord in reference to a bill which had been introduced into the other House of Parliament, to permit the grinding of foreign corn, would sink deep into the minds of those by whom that measure had been rejected. There was one other point of great importance to which he wished to call attention. One of the greatest advantages of the new Poor-law was, that it relieved the land of a very great burden to which it had formerly been subjected. That burden had been greatly reduced, and their Lordships would recollect that one of the strongest arguments in favour of the corn-laws was the burden which a provision for the poor imposed upon agriculture. That argument was by the operation of the Poor-laws weakened, if not destroyed, and he trusted the circumstance to which he had just alluded would be kept in recollection in all future discussions on the corn-law system.

Petition laid on the table.

HOUSE OF COMMONS,

Monday, July 2, 1838.

MINUTES.] Petitions presented. By Mr. HALL, from Marylebone, against the Royal Exchange Bill.—By Mr. GRIMSDITCH, from Macclesfield, against the Sale of Beer Act.—By Mr. ROCHE, from Castle Lyons (Cork), against Tithes.—By Mr. G. PALMER, from the Vicar of Harlow, Essex, against the Tithes Commutation Act.

TITHES (IRELAND).] Lord J. Russell moved that the House should resolve itself into Committee upon the Irish Tithes Bill.

Mr. *Ward* in rising to move the resolutions of which he had given notice, said he did so with reluctance; but a man who entertained strong feelings on any subject, as he did on this, and had not the courage to express those feelings, had no pretensions to claim a seat in the Legislature; and from the first moment he became aware of the policy which he thought it was the intention of her Majesty's Government to pursue, he intimated to the noble Lord his fixed determination to take the course which he was now about to pursue; and he must say, that he had too strong a sense of his duty, as a Member of this House, and too great a value for its time, to enter into the discussion of a question which it was not his determination to press to a division. He would now come at once to his resolution, the tendency of which was to induce the House to consider the course upon which it was about to enter—a course which he conceived was wholly incompatible with any regard to its consistency and character. Why should they be called upon to abandon a policy which had been proclaimed to be essential during every Session since 1835? As to sinecures and abuses in the Irish Church Establishment, the right hon. Baronet (Sir R. Peel) had expressed himself as desirous of reforming them as any hon. Gentleman on his (Mr. Ward's) side of the House. What, then, was the difference which led to the overthrow of the right hon. Baronet's Government? Was it not his opposition to the principle of appropriation? The right hon. Baronet announced his wish to reform all abuses in the Church Establishment in his first tithe speech in 1835; and upon that occasion the Chancellor of the Exchequer, in opposing the bill, said, that, judging from what his own feelings would be if he, a Protestant, were called upon to support a Catholic church in Ireland, he must advocate the principle of appropriation. The right hon. the President of the Board of Control also gave his entire adherence to this principle, and said, on a subsequent occasion, that not even to keep the Ministry in office would he consent to forego the principle of appropriation. In fact, that principle was the mainspring of Lord Melbourne's Government during the whole of the years 1835 and 1836, and he was not aware that there was anything in the present state of Ireland which would prevent the arguments then used being still relied upon. The result of the debate, in which the right hon. Baronet moved that the Tithe Bill should be divided into two bills, was a majority of thirty-seven against the right hon. Baronet. It was to be remembered that the Catholic question, and the Reform Bill, and the Test Act were all carried, although in the first instance they had all been thrown out in the House of Lords. They were eventually successful, because they were persevered in, and he did hope that this question, which had been taken up and made the corner-stone of the new cabinet, would not be thus abandoned; he thought, at all events, that every Member of that cabinet would have adhered to it. In

1836, another Tithe Bill was brought forward, which still preserved the principle of appropriation. It was opposed by the noble Lord, the Member for North Lancashire, who attempted to substitute for it a bill converting tithes into a rent-charge, exactly like the present bill, and proposing to make the duties of the Irish clergy more accord with their respective revenues, and otherwise remedy abuses in the Church. The noble Lord's bill was opposed by Ministers, who appealed to the solemn decision of the House, and as on a former occasion, the Government bill was carried by a majority of thirty-nine, but was subsequently lost in the House of Lords. In 1837, there was no division upon the subject in that House, owing to the demise of the Crown. The question of appropriation became then the subject of discussion upon every hustings in the kingdom. There was not a single constituency in the kingdom to which, in the election of 1837, the liberal candidates did not put forward, as their strongest claim, the superior policy of the present Administration in respect to Ireland; and especially in reference to the appropriation principle. He might be told, that in that election the result was unfavourable to the principle. It was true the majority was diminished, but still there was a majority in favour of the resolution of 1835, and it ought not to be abandoned. On the motion of the hon. Baronet, the Member for North Devon, brought forward in the present Session, to rescind the resolution, a clear majority of the House had recorded its opinions in favour of the resolution. Why should it now be departed from? He heard his noble Friend, the Secretary for the Home Department make a speech upon that occasion, in which there was the most manifest inconsistency—the first half of it proving the necessity of adhering to the principle of appropriation, and the other half showing the absolute necessity of abandoning it. Such a speech he thought inconsistent with his noble Friend's honour, and he thought it equally inconsistent that the resolution should stand upon the journals of the House if it were not to be carried into effect. There was something in all this which he admitted was too refined for men of ordinary understanding. Now, he should not have cared at all for the debates on the motion of the hon. Member for North Devon, if he thought it was a mere party struggle upon a point of honour, which to him was a matter of the greatest indifference. His motion had been called an unfair motion to his own party and to the noble Lord. He had been told by those who concurred with him in his opinions, that he was putting himself unfairly forward at the expense of those who sincerely wished to act with him, and that it would be gross injustice in him to wish to press his motion to a division. Those who held this language had, in his opinion, very lax ideas of the principles which ought to govern the conduct of public men. The noble Lord, the Secretary of State for the Home Department, had not held this language to him, but many others had. He should like to know how could he with consistency, propriety, or decency, hold the language which he had held with regard to the Irish Church—holding up that church as a political lie, and describing it as nothing national but in the nationality of its injustice if at the instance of Government or of private friends he gave up a resolution which he sincerely thought it would be an injustice to Ireland and a degradation in them to abandon? The noble Lord (Lord J. Russell), in support of the course which Government was pursuing, had argued with reference to what the noble Lord called the *inclinatio temporum*. He wished the noble Lord would translate these words for the benefit of the country gentlemen. They seemed to him to have great elasticity about them; there was a power of expansion in them that would justify and comprehend everything. He recollected, when the right hon. Baronet, the Member for Tamworth accepted office in 1835, the political world were anxious to know what course of policy he would adopt. Many thought that he would abide, as he himself expressed it, by the sense of the country, as expressed by the majority of that House, and would not insist upon the inapplicability of ecclesiastical property to other than ecclesiastical purposes. A very remarkable pamphlet was published at that time by a gentleman very high in the confidence of the present Government, namely, Mr. Senior, and it was on the subject of national property. After taking a view of the whole question and of the right hon. Baronet's position, Mr. Senior went on to state that there were three reasons for change in a statesman's opinions.

> "Firstly, a great intervening change in public affairs; secondly, error; and thirdly, interest. The first cannot be called inconsistency. The real inconsistency would lie in persisting in a course, for which the motives had ceased. As to the second there can be no general rule. But loose as our morality is, we have not yet gone so far as to sanction a change of opinion, originating in the third, with respect to the few questions, on the right decision of which, the welfare of the community depends."

Mr. Senior predicted, that the right hon. Baronet the Member for Tamworth would not change his opinions, because he believed him an honourable and prudent man, and well aware that no public man in this country could change his opinions in favour of his interest. Mr. Senior also predicted, that the right hon. Baronet would cease to be Minister within two months, and his predictions were realised. The right hon. Baronet adhered to his opinions, sacrificed place and power to his opinions, and ceased to be a Minister; but they must have a new edition of the pamphlet to tell them how those who rose into power upon the right hon. Baronet's fall, could now adopt the opinions of the right hon. Baronet, and make them their rule upon this occasion, and do so without the sacrifice of character and station. But had any intervening change occurred to justify this change of opinion? Was the Church more popular in Ireland, and were the people of that country more disposed to be satisfied with the simple commutation of tithes, in lieu of appropriation? He had looked at the recent accounts from Ireland, and he found, with the noble Lord's reasons before the people of Ireland, and with the debates in that House before them—what? Why in a Waterford paper on the 2nd of June in an article headed "Blood, blood." It contained the usual story of a tithe sale, at which the sheriff, the police, and the troops attended, when the cattle were sold for next to nothing, as there were no bidders, and where the people, excited to madness, made an attack upon the police. Again, in *The Dublin Evening Post* of the 19th of June there was an account of a meeting of not less than 60,000 people on the Curragh of Kildare, at which resolutions were carried amidst universal acclamation, denouncing the payment of tithes, and rejecting the compromise offered by the noble Lord. There was another meeting in Kilkenny attended by 100,000 persons, at which similar resolutions were agreed to, and at this meeting Mr. Pierce Butler, a gentleman of large landed property and a Protestant, took the chair. A similar meeting took place at Wexford, at which one of the speakers stated, that he would rather perish than submit to the payment of tithes. He asked them, could they put down this feeling—could they put down the agitation in which men of large property and station took part. They had but one of two ways to put down such feeling; they must either enact the penal laws or do justice. It was absurd to suppose that the commutation of tithes, with a rent charge payable by the landlord, would satisfy the people of Ireland. This would only have the effect of directing against rent that agitation which was now confined to tithes. The hon. Member for Southwark (Mr. Harvey) told them this in 1836, and the noble Lord the Member for Northumberland, (Lord Howick) had expressed the same opinion in the following words:—

> "The relation between landlord and tenant in Ireland is by no means in a satisfactory state. There are symptoms of the commencement of the same system of passive resistance to rents as that which has been so successful against tithes. Let us beware how we interfere with a subject of so much delicacy, and remember, that in doing so, we should indeed be playing with edged tools. If we pass this bill in the manner proposed on the other side, the effect will be that we shall compel the landlords to collect from the peasantry as a portion of their rent, the hated charge of tithes, without having done anything even to mitigate their hostility to it. To that particular portion of the rent, resistance would speedily commence; and can we doubt that this part of the rent having been successfully refused, the rest must soon follow?"

How could that noble Lord approve of the course Government was now taking? If the noble Lord did approve of it, he would set off the noble Lord's opinion in 1835, against his conduct on the present occasion; he would appeal from himself to himself, from "Philip drunk to Philip sober;" but the difficulty would be to know on which occasion Philip was drunk, and on which sober. He looked in vain for any reasons for the change in anything that had occurred. The noble Lord (Lord John Russell) seemed to rest his whole justification upon the *inclinatio temporum* and the authority of Lord Grey. The noble Lord had said, that he was bound to confess that Earl Grey was right, and he himself was wrong in supposing that they could pass a tithe bill for Ireland, including appropriation, in the present state of public opinion in this country. He had all possible respect for Earl Grey's services—he acknowledged the debt which the country owed him for having carried the Reform Bill—but he was bound equally to declare that he did not consider Lord Grey a good authority on Irish measures. When he looked back to the state of the House in 1833, the overwhelming majority on those benches, and the purposes to which it might have been applied, had not confidence in the Ministry been shaken by the Coercion Bill — a bill which he could not look back to without shame and regret for the course he had himself adopted—when he recollected all these things, he did say, that Lord Grey was not an authority upon which he should be inclined to place reliance on Irish matters. There were two courses now open to them. One was, that they should abide by the principles which, on five different occasions, they had affirmed, that they should not try to give this principle any practical effect, but wait till time and public opinion enabled them to do so. This course would be consistent, and ought, in his opinion, to be followed. The other course was at once to admit that they had been in error, that the Gentlemen opposite were right and they were wrong, and that having broken up two governments on this principle, they were now ready to abandon it, and to admit that it was erroneous. The noble Lord had told the House that this bill would tend to produce peace and conciliation. What security was there for this? Was there any security that the Irish Municipal Bill would pass this session? Was it not certain that the bill which they sent to the other House would not pass in its present shape? He called upon the noble Lord to reconsider the course he was pursuing. It was impossible to look to Ireland without feeling that no measure would be satisfactory unless it comprehended the one thing wanting. The people of Ireland did not seek for the total abolition of tithes; all they sought for was, the extinction of tithes, or their appropriation to useful public purposes. He called upon the House not to sacrifice to mere temporary expediency or party convenience the eternal principles of justice. He called upon all those who had, on a former occasion, recorded their assent to the principle contained in his resolution to support it now, however their votes might be misrepresented, and however unpalateable the motion might be to some who conscientiously concurred with him in thinking, that the course he was pursuing was the course best calculated, in the end, to promote the interests of religion rightly understood, and to secure the peace and stability of the British empire. The hon. Member concluded by submitting the following resolution to the House:—

" That whereas, on the 3rd of April, 1835, this House agreed to the following resolution:—

" That this House do resolve itself into a Committee of the whole House, in order to consider the present state of the Church Establishment in Ireland, with the view of applying any surplus of the revenues, not required for the spiritual care of its members, to the general education of all classes of the people without distinction of religious persuasion:

" And whereas, on the 7th of April, 1835, this House agreed to a second resolution, stating,

" That it is the opinion of this House that, no measure upon the subject of Tithes in Ireland can lead to a satisfactory and final adjustment which does not embody the principle contained in the foregoing resolution:

" And whereas, on the 21st of July, 1835, on going into Committee upon the Irish Tithes Bill, the House refused to assent to an instruction to the Committee, the object of which was 'to divide the bill into two bills,' because inconsistent with the preceding resolutions:

" And whereas, on the 4th of June, 1836, the House rejected an amendment proposed upon the second reading of the Irish Tithes Bill of that Session, to the effect, 'That leave be given to bring in a bill for the conversion of tithe composition into rent-charges, and for the redemption thereof, and for the better distribution of ecclesiastical revenues in Ireland:'

" And whereas, on the 17th of May last, in this present Parliament of 1838, this House refused to rescind the resolutions of 1835, which, consequently, remain upon its journals—

" It be an instruction to the Committee, that they have power to make provision, in the present bill, for giving effect to these resolutions, by proceeding to a better distribution of ecclesiastical property in Ireland, and by appropriating the surplus revenues of the present Church Establishment, not required for the spiritual care of its members, to the moral and religious education of all classes of the people, without distinction of religious persuasion."

Mr. Hawes seconded the motion.

Viscount *Morpeth* said, that although

the speech of the hon. Member for Sheffield had been distinguished for the ability which usually marked what fell from him; and although it embraced many topics and arguments, and some crimination, yet he felt, that the course intended to be pursued by her Majesty's Government required at the period at which they had now arrived, very little of explanation; but whatever that might be, it should, at least, be stated by him, without any thing of disguise or concealment. He was far from seeking to encounter the premises and deductions of the hon. Member for Sheffield; they were, many of them, indeed, of the same texture and tendency as those which, with whatever less of ability, he felt that he had himself, on several occasions ventured to urge upon the attention of Parliament; they were, in fact, the grounds upon which the case of the Government on this question principally rested. Nor did he, on this occasion, wish to endeavour to pursue the case farther, or to follow the track of the hon. Member for Sheffield in his renewed sally against the anomalies and the abuses of the Irish Church. He considered the case of that Church to be now what he had always considered it, and had never shrunk from describing it. Yet, as he expressly stated, that on this occasion it was not his intention to enforce the principle of appropriation, as he laid aside that which had been held, and in his opinion erroneously held, to be an offensive weapon against the establishment, he did not wish to have the appearance of carrying on the argument after dropping the measure, as that would, in his opinion be a *telum imbelle sine ictu*, it would be going on railing after they had done fighting. In his opinion the substantial justice of the question remained where it was when they adopted the resolutions of 1835, and when recently they refused to rescind them; but his opinion also was, that a period had now come in 1838, after the experience of the unsuccessful attempts of three successive years, when it became a matter of paramount expediency, or, in other words, of paramount duty to terminate, at least to do the best to terminate, to leave no step untried, by which they might hope to terminate, the excitement, the agitation, the collisions, the litigation, the increasing dissensions, between the clergy and laity, the biting exasperations between Catholics and Protestants, and the increasing risk of bloodshed which were the result and consequence of the present state of the tithe question in Ireland. The hon. Member for Sheffield talked of four years as an insignificant period, and as of little moment in the progress of a great measure; but the hon. Member ought to consider that four years spent under such scenes, and liable to such risks, whatever they might be, in the progress of a great question, or the interests of a party, had no trivial or inconsiderable bearing upon the peace and prosperity of a whole people. The only document which, as far as he recollected, the hon. Member for Sheffield quoted as an inducement to them to postpone legislation, bore the ominous heading "blood, blood." When they knew that bloodshed might be the result, it was a duty incumbent on them, in the present state of public feeling in Ireland about this matter—he, at least, as responsible for some part of the conduct of affairs, felt, that he could not lightly bear the responsibility of allowing such a state of things to continue, the consequences of which might be so deplorable, and of which none could foresee the ultimate event. The hon. Member for Sheffield stated, in the course of his speech, that the whole tendency of his proceeding would be to leave the tithe question in the same state in which it had been left for the three last Sessions of Parliament. But they had to consider whether it would be for the good of Ireland so to leave it; and this question they had to refer to the people of Ireland, to the Representatives of Ireland, and conjointly to the Imperial Parliament, to determine whether or not it was for the public weal that they should leave this bill as it was upon the table of the House, and leave the question in suspense for another year, then to be taken up they did not know under what renewed and increasing circumstances of embittered and exasperated feelings? The hon. Member for Sheffield said, that all he wanted was, to wait quietly for a change of public opinion. He did not know, that they were much at issue on that point. He was as ready as the hon. Member for Sheffield to follow up public opinion when it coincided with his own notions of what was right, and he proposed to wait quietly. But he thought, the best mode of obtaining public opinion would be by adopting the present bill, to give the country a chance of repose, instead of adopting the course proposed by the hon. Member for Sheffield, a course attended with a thousand manifold dangers. He, and those with whom he acted, had struggled hard for the principle of appropriation; three times they had endeavoured to scale the perilous breach, and three times they suffered repulse, three times they had battled to carry the principle, and three times they had been defeated, and he could not shut his eyes to the fact that, in the present state of affairs and of parties, the chance of success in the present year was not, to say the least, one whit more promising. Feeling this, they had thought it their duty to bring forward a bill which did not comprise the principle of appropriation, and he equally felt that it was their duty, having taken this step according to the best of their judgment, and with a sincere view to doing what they thought would most benefit the country and secure the peace of that part which was mainly interested, namely, Ireland—having brought forward a bill which did not comprise the principle of appropriation, he felt called upon to resist the resolution now moved by the hon. Member for Sheffield. And he did this because, first, as to the abstract justice of it, he was contented with what they had done already, with what they had entered on the journals of the House, and refused to dislodge. And next, as to the practical result, he felt it impossible that the course proposed by the hon. Member for Sheffield could lead to any, and, therefore, while he did not give up those opinions which he formerly asserted, both by word and deed, in his speeches and votes, and which were steadily and firmly recorded in the journals of the House, still, with the sole and exclusive view of practically benefitting Ireland, by putting a stop to the immediate state of disturbance that prevailed there, he and those with whom he acted had thought it their duty to bring in a bill without appropriation; and, as he felt that he was under the necessity of not suffering that bill to be encumbered by the resolution which the hon. Member for Sheffield had moved that evening, he must give that resolution, for its intrinsic truth, a reluctant, but for its practical effect, a decided, negative.

Mr. *Hume* said, that the situation in which he and many others were placed on the present occasion was an extremely unpleasant one. He was one who had never flinched from maintaining the principle embodied in the resolution of his hon. Friend, the Member for Sheffield, and he did not now dissent, in the slightest degree from it. It appeared, that it was the object of the Government to remedy the abuses in the present system of the Irish Church, as far as it was possible, with the concurrence of the other side of the House; for the whole question appeared to rest with them. Now, his own opinion was, that it was vain and useless to attempt to gain any thing by means of conciliation. If he thought that there was the slightest chance of restoring peace to Ireland by the proposition proposed by the noble Lord, he would readily support it. But it appeared to him that they had delayed this act of conciliation too long, and that in the present state of Ireland he would not be satisfied with so paltry a concession as that proposed. Sinecures must be altogether abolished, and the Church Establishment reduced to a scale commensurate with its congregation; and until that was done, Ireland would not be satisfied with any thing which might be offered. Until the principle of appropriation was recognised by Act of Parliament, Ireland would never be quiet; and if he were an Irishman he should not be satisfied till that was done. If, however, they were now to consent to lop off the surplus revenues of the Church, and apply them to general purposes of utility, he believed that peace might be restored to that country. With these opinions, he should give his vote honestly in favour of the motion of his hon. Friend.

Mr. *O'Connell* said, that the performance of a duty ought not to be painful, and he would, therefore, beg respectfully to warn the Legislature from adopting a course, in the present instance, which might do much mischief. He should oppose the motion of the hon. Member for Sheffield, for the very reason which the hon. Gentleman had given in support of it; he should oppose it, because it led to a deception and a delusion, and because it offered that to the Irish people as the terms of purchase of the Irish Tithe Bill which they had almost unanimously rejected. The noble Lord, however, in some observations which he had made use of, had shown that there was more of peril in the present state of Ireland than as yet had been publicly avowed. For his own part, he would distinctly state, that never since he had embarked in public life, had he known Ireland to be in so dangerous a situation as that in which it was at present. He had often known occasions when the apprehension of armed resistance to the Government was entertained in Ireland—he had often felt, that proceedings had been adopted which rendered it almost impossible that an armed collision should not take place; but now he was more afraid than ever that a collision might take place which would terminate in a state of misery and insecurity to all parties that was incalculable. Instead of seeking to stimulate the tithe agitation now prevailing in Ireland, every man who had influence in that country, as all knew who were acquainted with its internal condition, had exerted himself to the utmost to abate it. He had himself proclaimed this dissent from the course which many persons in Ireland were now pursuing. In endeavouring to mitigate the present excitement, he had lost much of that popularity on which it was said here, that he placed such immeasurable value. He had seen, for some time past, the ebullition of the public mind—he had seen, for some time past, that, though the surface was tranquil, there was beneath the surface a volcano ready to burst, which, if it did burst, would spread ruin and destruction all around it. In spite of all the attempts which the Marquess of Normanby had made to tranquillise the public mind—in spite of all the exertions made by the best friends of Ireland to give effect to those attempts, there had been meetings, not only of tens of thousands, and of fifties of thousands, but also of hundreds of thousands, for the entire abolition of the present tithe system. On that subject, the people of Ireland required no stimulants, wanted no leaders, took no advice. They came together of their own accord, they sought no appropriation of a paltry imaginary surplus; but they called for the entire abolition of the tithe system. If it served the party purposes of hon. Gentlemen opposite, he had not the slightest objection to let them know that that fact existed. The determination of the people of Ireland was not to pay tithe, and, pay it, he could assure the House, that they would not. By calling out the army and the police, and by issuing Exchequer processes, the Church might succeed in getting tithe paid here and there; but still that would be something like a dumb civil war. You would get not an insurrection, but that obdurate passive resistance, which, when it was converted by any accident, as it might be, into an active collision, must terminate in bloodshed and loss of life on one side or the other. The meetings which had been mentioned by the hon. Member for Sheffield were few in number compared with those which had actually taken place—in point of fact, they did not form a sixth, or anything like a sixth part of the whole. One gentleman had informed him only that morning, that he had been requested to attend not less than seven of these meetings in the next ten days, and the resolutions to be proposed at every one of them were to the effect, that they would either have the tithes extinguished, or the amount of them applied to public and to useful purposes. The time was, when the people of Ireland would have entered into a compromise upon this subject. But, for his own part, he must say, that he would not enter at present into any compromise upon it; and why? Because, he thought, that such a compromise would be a deception both upon those who offered the compromise, and upon those who called for the extinction of tithe altogether. This was the situation in which the hon. Gentlemen opposite had at last brought the House. If, three years ago, they had consented to pass this bill, they would have conciliated Ireland, and half a century might have elapsed before the people of that country had asked for more. Every time that they opposed the just claims of the people of Ireland, what they offered in lieu of them became less and less valuable. By the present bill of the Government they obtained less than they would have obtained, had they acceded to the bill introduced three years ago. The Government now proposed to appropriate thirty per cent., and the Gentlemen opposite proposed to take twenty-five per cent. from the clergy. The dispute was only about five per cent., and, after all, it was on both sides an appropriation. On the principle, then, of appropriation, both sides of the House were agreed. You give it to the landlord, we take it from the clergy, and what cared he what term was given to that new mode of distributing it? Three years ago the people of Ireland would have taken those terms as a concession. Now, they cry, trumpettongued, that they will no longer pay any tithes at all. They would not be deluded by any imaginary surplus, that was to expand as Protestantism contracted, and to contract as Protestantism expanded. The hon. Gentlemen opposite would not accede at the proper time to a reasonable proposition, and now they turned round upon the people of Ireland, and told them that they would be unreasonable if they demanded that this surplus should be applied to useful spiritual purposes. He certainly intended to vote against the motion of the hon. Member for Sheffield. He was for carrying out the principle of appropriation to a greater extent than that proposed either by the hon. Member for Sheffield or by the bill itself. He had already informed the House what he intended to propose in lieu of this bill. He required that out of the consolidated fund, provision should be made for the payment of the clergy of the established Church of Ireland, and that all the expense formerly incurred, for the maintenance of peace in that country, should be thrown upon the tithe fund, but should be paid at first out of the revenues received by the Woods and Forests. Thus they would have a compensation fund formed for what they paid the clergy of the established Church of Ireland. He knew, that it was idle for him to address the House upon this subject in any hope of succeeding, but he had told them the terms, and the only terms, upon which the people of Ireland would acquiesce in an arrangement of this sort. In Ireland, tithes were appropriated, not to the spiritual wants of the people, but to the temporal wants of the clergy. There was not a single parish in Ireland, in which the Roman Catholics did not outnumber the Protestants of all denominations, Take, for instance, the Protestant province of Armagh. Many Gentlemen who heard him, imagined that the Protestants of the established Church exceeded in number the Roman Catholics in the province of Armagh. Nay, many imagined, that the Presbyterians and other Dissenters exceeded the Roman Catholics in that province. In that province the number of Protestants of all denominations was 1,171,618. The number of Roman Catholics was 1,955,129. This gave a surplus of Catholics over Protestants of 783,505. If they went to the other provinces, they would find the result the same. Take the province of Dublin, for instance. The number of Protestants of all denominations was 183,609. The number of Catholics was 1,063,618. This gave a surplus of Catholics over Protestants of 880,072. In the province of Cashell the number of Protestants of all denominations was 115,835; that of the Catholics 2,223,636, which gave a surplus to the Catholics of 2,107,801. Again, in the province of Tuam, the number of Protestants of all denominations was 45,768; the number of Catholics was 1,188,568, which gave a surplus to the Catholics of 1,142,800. The gross total then of all denominations of Protestants in the four provinces of Ireland was 1,516,830, and of Catholics was 6,431,008, which gave a surplus to the Catholics of 4,914,178 or deducting the Protestants of the establishment, who amounted to 852,064, gave a surplus to the Catholics over the members of the established Church of 5,578,944. And after all this, the county heard of the necessity of maintaining the present overgrown establishment. If they were to have an union between the three countries, ought there not to be one common principle pervading their institutions? Had they in England a Church belonging only to a fraction, and a small fraction, of the people? No, quite the reverse. In Scotland it was the same. What, however, was the case in Ireland? There they had the Church of less than a million persons pitted against 6,800,000 Catholics. It was idle under such circumstances to talk of the principle of the union pervading the three countries. On the contrary, the principle which pervaded all the proceedings of the Legislature was that of declaring the people of Ireland to be their inferiors. He asked whether, if the case were reversed, and there were in England a million of Catholics overriding the Church of ten or twelve millions of Protestants, there was a single man in the House, who would not admit, that the Protestants of England, would meet in tens and hundreds of thousands to put an end to such a state of things? They would not meet peaceably and orderly, as the people of Ireland had hitherto met. No; their very first meeting would endanger the Crown, and shake the constitution to atoms. The people of Ireland were men, like the people of England. They had the same feelings—they had the same sense of this crying injustice;

and they had, besides it, the burning recollection of hundreds of other injuries. What was the Parliamentary Reform Bill—what was the franchise—what was the Municipal Reform Bill you had given to their country? They felt, that every revolution of England had only inflicted an additional injury upon them. Could they be expected to forget—forgiven they had—the first act of the reformed Parliament of Great Britain towards them? Could they be expected to forget that the first Act of the reformed Parliament was to abolish entirely the constitution in Ireland? He appealed to the hon. Gentleman opposite, whether they were advancing the cause of Protestantism by putting Protestantism forward on all occasions as an impediment to the progress of good government in Ireland? What was the reason why they refused a full and efficient reform to Ireland?—Protestantism. What was the reason that a fuller and more extensive franchise was not given to Ireland?—Protestantism. What was the reason that corporate reform was not extended to Ireland?—Protestantism. If the hon. Gentlemen opposite came out on all occasions with their "Protestantism" as an argument against doing justice to Ireland, they must not be surprised if they could not conciliate to it the respect and affection of the people of Ireland. They had long tried every species of coercion and had failed; they had, also, for 300 years tried the sword and gibbet, and had failed. Did they fancy that they could succeed by their present mode of arranging Irish differences? He felt it to be his duty to protest against the motion of the hon. Member for Sheffield. He would not vote against the bill, because he would not deprive himself of any chance which might remain of mitigating the spirit which now raged throughout Ireland. Gentlemen opposite might, if they pleased, suppose that he was one of those who had roused that spirit; but he had neither the merit nor the demerit of reviving the tithe agitation: that was first revived under the auspices of the noble Lord the Member for North Lancashire. So far from wishing to continue it at the present moment, he had done all he could to prevent it. He had held out the olive branch, and it had been refused: he had done all in his power to induce the Protestants of Ireland to assist him in obtaining a settlement, and had met with very little success; but he had obtained a clear and distinct assurance, that by converting tithes into a rent charge they would not gain the people of Ireland. They would turn the landlords into tithe proprietors; they would have continual distractions between landlord and tenant: and, more than that, they would throw many landlords into the ranks of Whiteboys. He should probably have to recall to their recollection, that he had told them so; they would not, he repeated, by passing such a bill as this, conciliate the people of Ireland; they were merely raising up another host of interested persons, whose spirit of Protestantism would be overbalanced by a stronger feeling. If the payment of the rent charge were to be enforced by tithe processes, they would put many a white-boy in broad cloth who went now in frieze or in rags. By passing this measure they would perpetuate the insecurity of the establishment. If they chose to adopt a plan of conciliation, let them adopt one by which they would throw on the consolidated fund the expense of a provision for as many Protestant clergyman as they deemed wanting in Ireland, and compensate for it by paying to it the amount of all the obligations at present exacted from the peasantry of Ireland, in the vain attempt of preserving the tithe revenue of Ireland. He had now done his duty by warning the House of the consequences which would follow the attempt to satisfy the people of Ireland by means of the present measure. He should sit down, by telling them that they did not understand the perils attending the present state of Ireland, and if they were saved from them, it would not be by their own conduct, or by this plan for the alteration of the tithe law, but by the confidence reposed by the people of Ireland in others, and above all by their anxiety not to disturb such a Government as now existed in that country.

Mr. *Harvey* said, that notwithstanding the hour was yet early, he was not surprised that many hon. Gentlemen should be eager for a division, for the present subject was not one of those that would bear discussion. At the same time he felt that it deserved to receive discussion to a much greater extent than would be conceded to it, for although there appeared on the surface to be something of a well-understood discord, there was in this question far more than belonged to many that had been agitated in that House during successive debates. Gentlemen who had the *entrée* of the House had delivered orations three hours in length upon various subjects, which they all might have well known, by referring to former Parliamentary debates, were little else than a compendium of gone-by discussions, and thus had heaped up a memorial of great pretensions, pretensions measured by the length of a speech—great because it was long, profound because it was unintelligible. He must be allowed to say, however, that there had been no subject of greater moment, and yet there was none that would be of more momentary importance, than that now before them; and if he should succeed in engaging the attention of the House only for a few minutes, it would be attributable to that kindness which conceded to the Speaker the expression of remarks that would have no sympathy, and in division no support, for he belonged to that powerful party in the House that had never yet been divided, because it had no followers. But it was gratifying to him to know that as reflection succeeded inquiry, so the soundness of opinions would be justified by time. Three years ago he had ventured to trespass upon the House at some length on the subject now under consideration, when he was denounced by his hon. and learned Friend for not supporting a motion which for the most cogent reasons he had now told the House he would oppose. It was then stated that his opinions would be repulsive to his constituents, and that it was only requisite to be known that he had desired in that place honestly to record them, in order that he might feel the weight of their indignation, and forfeit their confidence. Though all this was predicted, yet it was some satisfaction, not the less valuable because it was exclusive, to find that in this short space of time the sentiments which he then ventured to express were now concurred in by those who had then most prominently and strenuously opposed them. What great injustice was committed when they described the people of Ireland as the most inflammable of the empire, and talked of the country as being ready to be thrown into conflagration by the torch of discord, when his hon. Friend told them, that they were treading upon a volcano, that in a few short hours the eruption would break forth, an eruption perhaps of as much splendour as that lately witnessed in one of the parks. After all what did it amount to? All Ireland was ready to break out into a state of turbulence if they would not pass this measure. And what was it? When it was proposed in that House to consecrate the great and solemn principle of appropriation he had ventured in the simplicity of his mind to express his astonishment at the notion that there was any danger in the consecration of that principle, and now he found that they were all up in arms in its favour. Not a word was said, not a whisper was breathed, nor would there be, on the other side, against the principle of appropriation. They had heard the lights of the Church, the fathers of Protestantism, those who told them that there were millions starving for spiritual food—who told them that the fountains of living waters ought to be opened for the perishing people — who were prepared to support any motion by which the people would be taxed for the support and extension of established Churches, speaking in the most gracious, the most kind, the most paternal way, in support of a bill by which not the principle of appropriation would be recognized, but the principle of sacrilege sanctioned and acted upon. Thirty per cent., or twenty-five per cent.—for what signified the paltry difference?—was to be the extent of the plunder. At this very moment they were told the hideous spirit of popery was stalking the earth, and it was only to be put down by men of Christain zeal, of great forbearance as to this world's benefits, who were looking for their reward from on high, and who wanted increased support to strengthen their efforts for the defence of religious truth. Yet the men who told them so were prepared to agree to a measure that would take away at least twenty-five per cent. from the already inadequate funds of a country handed over to the miserable soul-destroying spirit of Papal error. Where were the sages of the Universities? He asked them were they prepared to stand by and see the foundations of Protestantism thus assailed without stepping in, and with all their power of eloquence, and still more all their strength of Christian zeal, rescuing the Church from this unhallowed plunder? His hon. Friend advised them to resort to the consolidated fund. Why, he could scarcely imagine that anything could be more gratifying to his hon. Friend and those who thought with him, than placing the clergy of Ireland on the consolidated fund; but would the hon. Gentlemen who were now supporting a bill to protect the sacred edifices from the hallowed contests and scrambles that now took place in them, consent to turn even this quiet and serene assembly, in which scarce a whisper of discord was ever heard, into an arena of conflict as to concessions of money from the consolidated fund to support the priests of Protestantism against the efforts of Papists in Ireland? As a Protestant he protested against this unhallowed principle, and he was really astonished, that the men who had been so prominent in their remarks upon all the measures suggested for the pacification of Ireland were so profoundly silent upon the present occasion. Perhaps the solution of the mystery was to be found in that extreme selfishness which led men to look to their own interests, while professing extreme anxiety for religion, and to sacrifice religion when they could gain earthly advantage. Without further preface he would come to the question. Had the Church of Ireland too large a revenue or had it not? If too much, who was entitled to the surplus? On what ground were the landlords of Ireland entitled to it? On what ground were the landlords of Ireland to be placed in a better position than the landlords of England? If there was a difference between the Churches established in the two countries, let them be treated as the circumstances of the difference required. But if hon. Gentlemen opposite contended, as he had heard them do repeatedly, that they were now legislating for the Church of Great Britain and Ireland, they ought not to distinguish the relative positions of the two countries, and must deal with the Churches as one. If there was a redundancy of revenue in Ireland, while they all declared that there was an inadequacy of means for the inculcation of religious truth in England, let them bring the funds which arose from the Protestant Church of Ireland to the aid of the starved and beggarly Church of England. Let them relieve their ill-requited missionaries, let them bolster up the cause of Christianity, and no longer make it a matter of reproach, that the lights of Protestant Christianity were starving; let them draw from Ireland those superfluous riches which were not to be found in their own beggarly country. But this was not the ground that the hon. Gentlemen opposite chose to take, and therefore he asked them to state broadly, whether the resources of the Church of Ireland were too great or not? If they were too great, bring them to swell the funds of the general Church, apply them to Irish purposes, subsidiary to the promotion of Christianity. Were there no practical virtues in alliance with its creed? Could not they alleviate the miseries of the poor, impart vigour to industry, make the people happy and contented? Were there no wretched habitations through which their superfluous riches might flow and diffuse gladness? Apply them, he said, in this way; but could there be any proposition so heartless, so contemptible, so mercenary, so devoid of humanity, as to tell those who were the chief defenders of Christianity, that there was no way by which Ireland could be pacified, by which the Catholics could be made to feel that their interests were identical with those of the Protestants, by which peace could be insured in this world, and a prospect of happiness in the next, except by pilfering the funds from which they derived a maintenance, for their own purposes? And yet such was the object of hon. Gentlemen opposite. In the general heyday of delight now beaming upon the public mind they were well nigh bewildered and incapacitated from judging of the effects which their policy would produce; but in a few short months the delusion would be dissipated. Not only were the Irish landlords to have a gift of 30 per cent. of the entire revenues of the Irish Church, amounting, it might be presumed, to something like 600,000*l.*, but the people of England would not forget, that they had already received from the over-taxed industry of this country 700,000*l.* within the last three years to meet what were called the exigencies of the clergy. This sum was first proposed as a loan, next as a gift; by his own humble interposition that misappropriation of the public money had been prevented, and a return had recently been made to the House, stating the amount that had been repaid in accordance with the terms of the loan. That amount afforded a signal instance either of the poverty of the country or of the disgusting cupidity of the landlords, for at this moment not 7,000*l.* of the money had been returned. Nearly two years' purchase had the people of England already paid for the tithes of that country. It would be far better that a sum of money should be paid at once to buy up the whole tithe of Ireland, and extinguish it at once, for then an end would be put to these sessional interventions of Irish grievances. His hon. Friend had told them plainly and intelligibly, that this bill would not settle the question, yet they had heard within the last two months of mysterious discords and sinister cozenings by which a comprehensive scheme was to be set afloat for the accommodation of all differences, and for the quenching of all rivalry but the glorious one of serving their country best. But his hon. Friend had told them, that it was all a delusion. If, therefore, there were any hon. Gentlemen of tender but yielding consciences, who flattered themselves that by acceding to this awkward scheme of Church robbery they would proclaim peace and prosperity in Ireland, they were told by the accredited oracle of that country that they would produce no such effect. Far better would it be, that tithes in Ireland should remain in their present state. He remembered the shout of derision with which the assertion of the hon. Gentleman opposite had been received—that the law in Ireland was sufficiently strong to maintain the rights of the tithe-owners. If the law had been vindicated in Ireland, was it possible that the friends of the Church would consent to rob the clergy of 30 per cent.? Could the upholders of Protestantism consent to stand by and see the poor Irish clergyman with 100*l.* a-year, who journied over mountains and forded deep streams in the icy months of winter, passing from one part of his curacy to another—could they consent to see these starving memorials of Christianity reduced to a still more paltry pittance of 70*l.*? The scheme might do very well for pursey pluralists, turning up the trump card at Cheltenham, and luxuriating in fashionable watering places; but he called on them to interpose in aid of the clergyman exhausted with his toilsome duties, travelling through the bogs of Ireland, against this deliberate act of Parliamentary plunder. Was there any curate, vicar, or rector, great in services, but little in recompense, who said, "In order to secure me my 100*l.* guarantee to me 70*l.*" He owned he had some suspicion, when they fancied they had got rid of the present tithe system in Ireland, and that the payment of the clergy was to be charged on the consolidated fund, they would say to one another, "Be quiet, say nothing, don't let it out, we shall do very well. We shall not only charge 70*l.* to the consolidated fund, but when we want it, 100*l.*; and any further sum that may be necessary." This he feared might follow in course of time, if they once recognized the principle that the Protestant religion was to be supported out of the consolidated fund. It was all very well for his hon. Friend to stand by and chuckle at their delusion, and a great delusion it was, for he was quite well satisfied, that hon. Gentlemen on the other side, and he would go the length of saying four-fifths of the hon. Gentlemen on his own side of the House, would be very well pleased to charge the support of the English Church, and the Irish Church, or any other Church, upon the consolidated fund, if its resources were considered inadequate for its purposes. But this suggested another consideration, which, though not very likely to be acceptable to the country, would be appreciated by it, and which ought to be understood by all who were to give a vote on the question—he meant its bearing on party interests. He hardly knew how to congratulate the right hon. Gentleman opposite, in what terms of admiration he should speak of the philosophical calmness and dignified composure which led him to pass by that political insult to himself and his party, by which he was mowed down, on the express ground that no bill for the settlement of the Irish Church could be permanently satisfactory that did not contain the appropriation clause. If the right hon. Gentleman, however, and his numerous adherents, and his still more numerous expectants, were satisfied, so should he be, for it might savour of the grumbler, if he complained. On that occasion, he himself had but followed his leader; it was not for privates in an army to choose the ground of conflict; that office was performed by great men of elevated station, who had to look over the field, and determine on the most advantageous site. However, the battle was fought with great bitterness, and he must say with great success; and now behold the result! He congratulated the hon. Members on the political serenity which had come over them, though he inferred from it a good deal of suspicion. If they could fortunately give the go-by to the appropriation clause — this invaluable appropriation clause — by which 50*l.* or 60*l.* a year might be applied to the purposes of education—if they could give the go-by to this invaluable advantage, he advised a compromise, although it would be the duty of the House to infer the consequences. One thing he protested against —that this was to be a means of tranquillizing Ireland; quite the reverse; and he was glad to hear his hon. Friend so unreserved. No sacrifice would, he admitted, be too large to secure that benefit; but he saw in the concession the continuance of hostility, he saw the motives of that hostility, the cupidity of landlords stirring up their tenants to resistance under the impression that they were resisting the rate (and there was no real difference between the tithe and the rate); that they would, with practised cunning and aristocratical art, excite their tenants to resistance, and to all those acts, and that responsibility, which ultimately led up to capital liability. But till it was well understood, that by this concession, Parliament was not consulting the cupidity of the great, but the interests of the poor, all chance of making any progress in putting a stop to these bickerings, through which the affairs of the country were so long neglected, was gone. No sacrifice would be too great to have these great questions settled. He believed, that there was a great delusion in the principle, a great fraud in the design, a great insult to public expectations, and a great neglect of public business in the proposition, and he could not give his support to a proposition which was dishonest in its purpose, and futile in its effects.

Sir *R. Inglis* observed, the hon. Member for Southwark, who seemed to consider himself the very model of consistency had directed so much of his argument to that (the Opposition) side of the House, that he had imposed upon him (Sir R. Inglis), the necessity of addressing the House. The hon. Member had stated, that the principle was conceded, if the House adopted the proposition of the noble Lord, or that of his right hon. Friend, the Member for the University of Dublin. He agreed with the hon. Gentleman, that it was a concession of principle, if either twenty-five per cent, or thirty per cent were agreed to. It had been shown, that the law could not be resisted with impunity; and if he did not misunderstand the hon. and learned Member for Dublin (though his words were rather obscure), he had himself given an example of obedience to the law by paying the tithe he had so long resisted. If the full amount of the produce of the tithe were in the hands of the tithe-holders of Ireland, Parliament would have no right to diminish that amount of dues to the clergy by twenty per cent, or even five per cent. But so far from this, not a 30th, in some cases not a 60th, and in some not even an 80th, was paid to the tithe-holders. It was not proposed to make a deduction from the amount which the tithe-holder had a right to receive; but if the burthen was taken from the cultivators, and placed on the landlord, then some deduction might be made from him on account of the advantage which would accrue to the tithe-holders by the transfer; and he would consent to twenty-five per cent, or to any deduction to which the tithe-holder would consent, for the advantage of looking to the landlord, instead of the cultivator. The noble Lord would take thirty per cent. If the hon. Member for Southwark would propose a reduction to ten per cent, or five per cent, he would be ready to go to the lowest amount he pleased. He believed, there was no necessity for any deduction, and that the law was sufficient to enforce the rights of the tithe-holders, if her Majesty's Ministers would support the law in Ireland, as in England. He would support his right hon. Friend's proposition for twenty-five per cent, because it was in opposition to the noble Lord's proposition for thirty per cent.

The House divided on Mr. Ward's motion. Ayes 46; Noes 270: Majority 224.

List of the Ayes.

Bewes, T.
Blake, M. J.
Blunt, Sir C.
Bodkin, J. J.
Brotherton, J.
Browne, R. D.
Bryan, G.
Butler, hon. Col.
Chalmers, P.
Collier, J.
Curry, W.
Etwall, R.
Evans, G.
Feilden, J.
Finch, F.
Gillon, W. D.
Grote, G.
Hastie, A.
Horsman, E.
Hume, J.
Hutt, W.
Hutton, R.
Jervis, S.
Langton, W. G.
Lushington, Dr.
Maher, J.
Marshall, W.
Marsland, H.
Martin, T. B.
Melgund, Lord

Muskett, G. A.
O'Callaghan, C.
O'Conor, Don
Pattison, J.
Pease, J.
Philips, M.
Protheroe, E.
Salwey, Col.
Somerville, Sir W. M.
Strutt, E.
Style, Sir C.
Thornely, T.
Vigors, N. A.
Villiers, C. P.
Warburton, H.
Worsley, Lord

TELLERS.

Ward, H. G.
Hawes, B.

List of the Noes.

Abercromby, G.
Acland, Sir T. D.
Acland, T. D.
A'Court, Captain
Ainsworth, P.
Alsager, Captain
Alston, R.
Arbuthnot, H.
Archbold, R.
Ashley, Lord
Attwood, W.
Attwood, M.
Bagot, hon. W.
Bailey, J.
Bailey, J., jun.
Baillie, Colonel
Ball, N.
Baring, hon. W.
Barnard, E. G.
Barrington, Viscount
Barry, G. S.
Bateson, Sir R.
Beamish, F. B.
Bell, M.
Bellew, R. M.
Bennett, J.
Bentinck, Lord G.
Bernal, R.
Blackburne, I.
Blackstone, W.
Blair, J.
Blandford, Lord
Blennerhassett, A.
Bramston, T. W.
Bridgman, H.
Brodie, W. B.
Buller, Sir J. Y.
Burr, H.
Burroughes, H.
Calcraft, J. H.
Campbell, Sir J.
Canning, Sir S.
Cartwright, W.
Cavendish, G. H.
Cayley, E. S.
Chute, W. L. W.
Clive, E. B.
Clive, Lord
Cole, Lord
Coote, Sir C. H.
Corry, hon. H.
Courtenay, P.
Cowper, hon. W. F.
Craig, W. G.
Crawley, S.
Creswell, C.
Dalmeny, Lord
Davies, Colonel
Denison, W. J.
D'Eyncourt, C. T.
D'Israeli, B.
Divett, E.
Dottin, A. R.
Douglass, Sir C.
Dowdeswell, W.
Duff, J.
Dugdale, W. S.
Dunbar, G.
Dungannon, Viscount
East, J. B.
Eastnor, Lord
Eaton, R. J.
Egerton, W. T.
Egerton, Sir P.
Egerton, Lord F.
Ellice, Captain A.
Ellis, J.
Estcourt, T.
Evans, W.
Farnham, E. B.
Feilden, W.
Ferguson, Sir R.
Ferguson, R.
Fergusson, R. C.
Filmer, Sir E.
Fitzroy, hon. H.
Fitzroy, Lord C.
Fleetwood, P. H.
Fleming, J.
Follett, Sir W.
Fremantle, Sir T.
Gaskell, J. M.
Gladstone, W. E.
Gordon, R.
Gordon, Captain
Graham, Sir J.
Granby, Marquess
Greene, T.
Greenaway, C.
Grey, Sir C.
Grimston, Viscount
Grimston, E. H.
Hale, R. B.
Halford, H.
Handley, H.
Harcourt, G. S.
Hayter, W. G.
Heathcote, G. J.
Hector, C. J.
Heneage, G. W.
Henniker, Lord
Hepburn, Sir T. B.
Herbert, hon. S.
Herries, J. C.
Hillsborough, Earl
Hinde, J. H.
Hobhouse, Sir J.
Hobhouse, T. B.
Hodges, T. L.
Hodgson, F.
Hodgson, R.
Holmes, hn. W. A'C.
Holmes, W.
Hope, hon. C.
Hope, G. W.
Hoskins, K.
Hotham, Lord
Houstoun, G.
Howard, P. H.
Howick, Lord
Hughes, W. B.
Humphery, J.
Hurt, F.
Ingestrie, Viscount
Inglis, Sir R. H.
Jackson, Sergeant
James, Sir W. C.
Johnstone, H.
Jones, T.
Kemble, H.
Kerrison, Sir E.
Kinnaird, hon. A.
Kirk, P.
Knight, H. G.
Knox, hon. T.
Labouchere, H.
Lascelles, hon. W. S.
Lefroy. right hon. T.
Lemon, Sir C.
Lennox, Lord G.
Lincoln, Earl
Litton, E.
Loch, J.
Lockhart, A. M.
Long, W.
Lowther, hon. Colonel
Lucas, E.
Lygon, hon. General
Mackenzie, T.
Mackenzie, W. F.
Macleod, R.
Macnamara, W.
Manners, Lord
Marsland, H.
Master, T. W. C.
Maule, hon. F.
Maunsell, T. P.
Meynell, Captain
Miles, W.
Morgan, C. M. R.
Morpeth, Lord
Morris, D.
Murray, J. A.
Noel, W. M.
Norreys, Lord
O'Brien, W. S.
O'Connell, D.
O'Connell, M. J.
O'Connell, M.
Ord, W.
Ossulston, Lord
Paget, Lord A.
Palmer, G.
Parker, J.
Parker, M.
Parker, R. T.
Parrott, J.
Pechell, Captain
Peel, right hon. Sir R.
Pemberton, T.
Pendarves, E. W.
Perceval, Colonel
Perceval, hon. G.
Philips, G. R.
Phillpotts, J.
Pigot, R.
Pinney, W.
Planta, right hon. J.
Plumptre, J. P.
Pollen, Sir J. W.
Ponsonby, C. F.
Power, J.
Praed, W. T.
Price, Sir R.
Pringle, A.
Pusey, P.
Redington, T. N.
Reid, Sir J. R.
Rice, E. R.
Rice, hon. T. S.
Rich, H.
Richards, R.
Roche, W.
Roche, D.
Roche, E. B.
Rose, Sir G.
Round, J.
Rushbrooke, R.
Rushout, G.
Russell, Lord J.
St. Paul, H.
Sanford, E. A.
Scarlett, hon. J. Y.
Scrope, G. P.
Seymour, Lord
Shaw, right hon. F.
Sheppard, T.
Sinclair, Sir G.
Smith, R.
Smith, R. V.
Smyth, Sir G. H.
Somers, J. P.
Spry, Sir T. S.
Stanley, Lord
Stanley, W. O.
Stuart, V.
Stormont, Lord
Sturt, H. C.
Sugden, rt. hn. Sir E.
Tancred, H. W.
Teignmouth, Lord
Tollemache, F. J.
Townley, R. G.
Trench, Sir F.

Troubridge, E. T.
Turner, E.
Tyrell, Sir J. T.
Vere, Sir C. B.
Vernon, G. H.
Villiers, Lord
Vivian, J. E.
Vivian, Sir R. H.
Walker, C. A.
Wall, C. B.
Walsh, Sir J.
Welby, G. E.
Westenra, J. C.
Westenra, H. R.
Wilbraham, G.
Wilbraham, B.
Williams, W. A.
Winnington, T.
Wood, T.
Wyndham, W.
Yates, J. A.
Young, J.

TELLERS.
Stanley, E. J.
Steuart, R.

On the question being again put,

Sir *C. Style* rose, pursuant to notice, to move that the Bill be committed that day three months. The House had the authority of Government that the principle of appropriation, which they now repudiated in this Bill, was the only principle on which they could legislate in a satisfactory manner concerning tithes in Ireland. They had the experience also of past years to show how ineffectual was all legislation on the subject not containing that principle; for the whole scope and tendency of that legislation had been directed to the collection of the revenue, while they left the principle unchanged. The excitement of the people of Ireland on this subject was intense. He had seen resolutions, pledging parties to abstain from the use of exciseable articles until they attained their object. Now, there was nothing at all in the Bill to allay this excitement. What, then, called for such a measure as this, which did not materially alter the existing law of tithe? The people of Ireland did not call for it; they regarded it with unequivocal hatred. Did the clergy ask for it? He apprehended not, for he had seen resolutions passed by bodies of the clergy, in different parts of the country, in which this very measure was most strongly condemned. He also objected that the tithe would still remain, though under another name. Hon. Gentlemen on the Opposition side had heretofore protested loudly against the application of any portion of the Church revenues to any other than ecclesiastical purposes; yet they now gave their assent to the cutting off of one-fourth of the tithes, for the purpose of putting it into the pockets of the landlords. Such conduct was altogether inconsistent. He was opposed to this Bill, because he thought it a delusion on the public. He said this from no party feelings or motives; for he hardly expected that he should have a seconder to his proposition. He moved that the Bill be committed that day three months.

Viscount *Morpeth* said, that it was not from any want of respect for the hon. Baronet that he abstained from following him in his remarks on the Bill. It might be right or it might be wrong to give up the appropriation clause; but having given it up for the sake of passing a Tithe Bill, and the House having given, in the last division, so very significant an expression of its opinion on the subject, it could not be expected that it would now entertain the hon. Baronet's motion to get rid of the Bill altogether.

Amendment negatived.

House went into Committee.

First Clause agreed to.

On the second Clause abolishing tithe compositions without prejudice to the provisions of the 3rd and 4th of William 4th, c. 100.

Mr. *Shaw* objected to this clause, that it left the tithe-owner or rather the people in Ireland liable to the repayment of the advances made under the Million Act; the Government had departed from two of their own former bills, and he could not believe that they were serious in threatening to force the clergy into collision with the occupiers to recover these advances. The entire five instalments, or the whole sum advanced, would be due in November of next year, amounting to near two years tithes, and high in proportion to the disturbed or distressed state of the country. So much so, that while in the county of Antrim the loan was not one-tenth of the composition, in Kilkenny and other parts of the south it was double the annual tithe composition. If then, the Legislature forced the clergy again into collision with the occupiers for the collection of these arrears, it would be mockery to press this bill as a final settlement, tending to promote peace and quiet throughout the country. Let it be recollected that the clergy had never received this money, or the people paid it; but the advance under the Million Act in lieu of it, was made to the clergy with the deduction of fifteen and twenty-five per cent., and there was this injustice and absurdity in the act— that all future incumbents and future occupiers were to continue liable to the repayment of the Million Act; so that if it was now enforced it would be in the first instance from incumbents who had never received it, and through them from occupiers who might never have been liable to pay it; then the Government could not in common fairness press this payment, after having in 1835 and 1836 brought in bills remitting it, and since passed two temporary acts suspending the enforcement of it, and he (Mr. Shaw) could mention cases where the clergy had consulted the Government whether they could safely receive and give receipts for the accruing composition without the million instalments, and the Government advised them to do so, without enforcing the payment of the instalments: so allowing them to run from year to year in arrear until the whole is due, and in common consistency or justice they cannot now attempt to recover them. So far from making any such futile attempt as now to collect near 700,000*l.* from the occupying tenantry, he (Mr. Shaw) would be glad to see the balance of the million paid over in lieu of all arrears due to the clergy, as had been proposed by the noble Lord (Lord Morpeth) in his Bill of 1835, and thus to have a clear stage from the present moment, all future money dealings being between the landed proprietor and the tithe-owner. He would therefore move the omission of this Clause, reserving the clause he intended as a substitute for the proper period.

The *Chancellor of the Exchequer* objected to the Amendment, first, in point of form, and secondly, because if the Government consented to remit the repayment of the arrears under the Million Act, they must also consent to surrender all arrears due by the occupying tenant to the clergy, for they would not be able to collect them without hazarding the peace of the country. The clause stated, that the act for the recovery of those arrears should remain in force, as if the right to the compositions were still subsisting, until Parliament should otherwise provide. That was all the House was called upon to assent to; while the right hon. Gentleman, by his Amendment, would deprive the Crown of all chance of recovering arrears due under the Million Act, and thereby cause a loss to the country of 640,000*l.* He put it to the right hon. Gentleman himself whether the release of all parties from the payment of advances made under the Million Act would not be unjust, and particularly so in the case of the lay impropriators of tithes, many of whom were very wealthy, and in most cases the owners in fee.

Lord *Stanley* said, that if this clause, were allowed to remain, it would in all probability prove a bar to the settlement of the question. The proposition contained in the clause of the right hon. Gentleman the Chancellor of the Exchequer required much time for consideration. It required much information on matter of detail, and the House ought to know, before it decided upon it, many circumstances of which it was not now in possession, and amongst others, how much of the instalments had been collected, and what remained due from the occupying tenant. If the Chairman decided, that the course proposed by his right hon. Friend the Member for the University of Dublin, could not be entertained in point of form, they must bow not to justice, but to the forms of the House, but otherwise he should support the motion of his right hon. Friend.

Mr. *Harvey* said, that the effect of the proposition of the right hon. Recorder of Dublin was, that the people of England should forego 640,000*l.* in hard cash, in order to secure peace for Ireland. He protested against the people of England being saddled with an exaction which he never could consider as otherwise than dishonest in its origin.

Mr. Sergeant *Jackson* was decidedly of opinion, that this money ought to be remitted. The clergy of Ireland had had every reason from the Government of the country to believe that they would not be called on to refund the money.

Mr. *Sheil* considered that the present proposition was quite in accordance with the declaration of the noble Lord the Home Secretary in 1835.

Mr. *O'Connell* had all along said, that the money would never be paid back; and and let them do what they would, it never would be refunded.

Mr. *Shaw* thought that, under all the circumstances of the case, it would be better to withdraw the clause he meant to propose, for the present, in order that he might propose it upon the bringing up of the report.

Clause 2 agreed to.

On Clause 3,

Mr. *Shaw* said, he fully concurred in the principle, that there should be some allowance made on account of the increased security which the present measure gave to the incomes of the clergy. He was ready to make a reasonable allowance; 30 per cent. he did not think involved any principle whatever, but he objected to that deduction, because he thought its amount unreasonable. He should say, that 20 per cent. would be a very proper sum, but as 25 per cent. had been already mentioned, he saw some difficulty in receding from it. At present the various deductions from the incomes of the clergy amounted to not less than 40 per cent. while the average incomes of the whole body of the clergy did not exceed 250*l.* a-year. He should move, instead of " seven-tenths," to introduce the words " three-fourths."

Viscount *Morpeth* did not think the sum proposed by the Government was at all unreasonable. There was nothing in the state of Ireland to change their views of the sum which had uniformly been held out as the proper allowance.

The Committee divided on the original motion: Ayes 188; Noes 167—Majority 21.

List of the Ayes.

Abercromby, G.
Adam, Admiral
Aglionby, H. A.
Alston, R.
Andover, Lord
Anson, Col.
Archbold, R.
Attwood, T.
Baines, E.
Ball, N.
Bannerman, A.
Barnard, E. G.
Barry, G. S.
Beamish, F. B.
Bellew, R. M.
Bewes, T.
Blake, W. J.
Blake, M. J.
Bodkin, J. J.
Bowes, J.
Bridgeman, H.
Brocklehurst, J.
Brodie, W. B.
Brotherton, J.
Browne, R. D.
Bryan, G.
Callaghan, D.
Carnac, Sir J. R.
Cayley, E. S.
Childers, J. W.
Clements, Lord
Clive, E. B.
Collier, J.
Collins, W.
Craig, W. G.
Crawford, W.
Crawley, S.
Crompton, S.
Curry, W.
Denison, W. J.
D'Eyncourt, C. T.
Divett, E.
Dundas, F.
Dundas, hon. T.
Elliot, hon. J. E.
Ellice, Capt. A.
Etwall, R.
Evans, G.
Evans, W.
Ferguson, R.
Ferguson, R. C.
Finch, F.
Fitzgibbon, Col.
Fleetwood, P. H.
Gillon, W. D.
Gordon, R.
Grattan, J.
Grattan, H.
Greenaway, C.
Grey, Sir G.
Guest, J. J.
Hall, B.
Handley, H.
Harland, W. C.
Hastie, A.
Hawkins, J. H.
Hayter, W. G.
Hector, C. J.
Hobhouse, Sir J.
Hobhouse, T. B.
Hollond, R.
Horsman, E.
Howard, F. J.
Howard, P. H.
Howick, Lord
Hume, J.
Hutton, R.
James, W.
Kinnaird, A. F.
Labouchere, H.
Langdale, C.
Lefevre, C. S.
Lemon, Sir C.
Lushington, Dr.
Macleod, R.
Macnamara, W.
M'Taggart, J.
Maher, J.
Marshall, W.
Marsland, H.
Martin, J.
Maule, W. H.
Melgund, Viscount
Moreton, hon. A.
Morpeth, Viscount
Morris, D.
Murray, J. A.
O'Brien, W. S.
O'Callaghan, C.
O'Connell, D.
O'Connell, J.
O'Connell, M. J.
O'Connell, M.
O'Connor Don
O'Ferrall, R. M.
Palmerston, Lord
Parker, J.
Parrott, J.
Pease, J.
Pendarves, E. W.
Phillips, G. R.
Phillpots, J.
Pinney, W.
Ponsonby, C. F. A.
Power, J.
Pryse, P.
Redington, T. N.
Rice, E. R.
Rice, rt. hon. T. S.
Roche, E. B.
Roche, W.
Roche, D.
Rundle, J.
Russell, Lord J.
Russell, Lord
Salway, Col.
Sanford, E. A.
Scrope, G. P.
Seale, Col.
Seymour, Lord
Sheil, R. L.
Slaney, R. A.
Smith, J. A.
Smith, B.
Somers, J. P.
Stanley, E. J.
Steuart, R.
Stuart, V.
Strangways, J.
Strutt, E.
Talbot, C. R. M.
Talfourd, Sergeant
Tancred, H. W.
Thornely, T.
Townley, R. G.
Trowbridge, sir E. T.
Turner, W.
Vigors, N. A.
Vivian, J. H.
Vivian, Sir R. H.
Walker, C. A.
Walker, R.
Wallace, R.
Warburton, H.
Westenra, H. R.
Westenra, J. C.
White, A.
White, S.
Williams, W. A.
Wilshere, W.
Winnington, H.
Wood, C.
Wood, sir M.
Wood, G. W.
Woulfe, Sergeant
Wrightson, W.
Yates, J. A.

TELLERS.

Dalmeny, Lord
Maule, F.

List of the Noes.

Acland, Sir T. D.
Acland, T. D.
A'Court, Capt.
Adare, Lord
Ainsworth, P.
Alsager, Capt.
Arbuthnot, H.
Archdall, M.
Ashley, Lord
Bailey, J.
Bailey, J. jun.
Baillie, H.
Baring, H. B.
Baring, W. B.
Bateson, Sir R.
Bell, M.
Bentinck, Lord G.
Blackburne, I.
Blackstone, W. S.
Blair, J.
Blakemore, R.
Blandford, Marquess
Blennerhasset, A.
Bramston, T. W.
Broadley, H.
Broadwood, H.
Brownrigg, S.
Buller, Sir J. Y.
Burr, H.
Burrell, Sir C.

Burroughes, H.
Calcraft, J. H.
Campbell, Sir H.
Canning, Sir S.
Chandos, Marquis
Clive, hon. R. H.
Codrington, C.
Coote, Sir C. H.
Corry, hon. H.
Courtenay, P.
Cripps, J.
Dalrymple, Sir A.
Darby, G.
De Horsey, S. H.
D'Israeli, B.
Dottin, A. R.
Douglas, Sir C. E.
Dowdeswell, W.
Dunbar, G.
Dungannon, Lord
East, J. B.
Eaton, R. J.
Egerton, W. T.
Eliot, Lord
Ellis, J.
Estcourt, T.
Estcourt, T.
Farnham, E. B.
Fielden, W.
Fector, J. M.
Ferguson, Sir R.
Filmer, Sir E.
Fitzroy, H.
Follett, Sir W.
Forester, hon. G.
Freemantle, Sir T.
Freshfield, J. W.
Gaskell, J. M.
Gladstone, W. E.
Gordon, Capt.
Gore, O. W.
Goulburn, H.
Graham, Sir J.
Grant, Col.
Grant, F. W.
Greene, T.
Grimsditch, T.
Hale, R. B.
Halford, H.
Harcourt, G. S.
Hayes, Sir E.
Heneage, G. W.
Henniker, Lord
Hepburn, Sir T.
Herbert, Hon. S.
Herries, J. C.
Hilsborough, Earl
Hinde, J. H.
Hodgson, F.
Hodgson, R.
Hogg, J. W.
Holmes, hon. W.
Hope, hon. C.
Hope, G. W.
Hotham, Lord
Houston, G.
Howard, hon. W.
Hughes, W. B.
Hurt, F.
Inglis, Sir R. H.
James, Sir W. C.
Johnstone, H.
Jones, T.
Kelly, F.
Kemble, H.
Kerrison, Sir E.
Kirk, P.
Knatchbull, Sir E.
Knight, H. G.
Knightley, Sir C.
Knox, hon. T.
Lascelles, hon. W. S.
Lefroy, T.
Lincoln, Earl
Litton, E.
Lockhart, A. M.
Lowther, Col.
Lowther, Lord
Lowther, J. H.
Lucas, E.
Mackenzie, T.
Mackenzie, W. F.
Maclean, D.
Manners, Lord C.
Marsland, T.
Marton, G.
Master, T. W. C.
Maunsell, T. P.
Meynell, Capt.
Miles, W.
Miller, W. H.
Morgan, C. M. R.
Nicholls, J.
Noel, W. M.
Norreys, Lord
Ossulston, Lord
Palmer, R.
Palmer, G.
Parker, R. T.
Parker, T. A. W.
Patten, J. W.
Peel, Sir R.
Peel, J.
Perceval, Col.
Perceval, G. J.
Plumptre, J. P.
Polhill, F.
Pollen, Sir J. W.
Powell, Col.
Praed, W. M.
Praed, W. T.
Price, R.
Pringle, A
Pusey, P.
Rae, Sir W.
Reid, Sir J. R.
Rose, Sir G.
Round, J.
Rushbrooke, R.
Rushout, G.
Sanderson, R.
Sandon, Lord
Scarlett, hon. J. Y.
Sheppard, T.
Shirley, E. J.
Sinclair, Sir G.
Spry, Sir S. T.
Stanley, Lord
Stormont, Lord
Sturt, H. C.
Teignmouth, Lord
Thompson, Alderman
Tollemache, F. J.
Trench, Sir F.
Tyrell, Sir J. T.
Vere, Sir C. B.
Verner, Col.
Vernon, G. H.
Vivian, J. E.
Waddington, H.
Wall, C. B.
Walsh, Sir J.
Welby, G. E.
Wilbraham, B.
Wodehouse, E.
Young, J.

TELLERS.

Jackson, Serg.
Shaw, F.

After a desultory discussion on the clause without adopting any part of it,

Mr. Brotherton moved that the Chairman report progress.

Mr. *O'Connell* was quite sure it would be impossible to finish the clause to-night. He therefore hoped the Chairman would report progress.

The Committee divided: Ayes 58; Noes 219—Majority 161.

Two other divisions, on similar motions took place, and it not being possible to carry the bill any further at that time, on a third such motion being made, it was no longer opposed.

The House then resumed. The Committee to sit again.

HOUSE OF LORDS,

Tuesday, July 3, 1838.

MINUTES.] Bills. Read a third time:—Australian Act Continuation; Sugar Duties.

Petitions presented. By Earl STANHOPE, from Inhabitants of Portsmouth and Portsea, against the New Poor-law Act.

NATIONAL EDUCATION (IRELAND).] The Bishop of *Exeter* rose to call their Lordships' attention to a very important petition. It related to the conduct of the Commissioners of Education in Ireland, and came from the Rev. Mr. Stoney, the rector of a parish in the county of Mayo. The petitioner complained, that the commissioners had appointed to be their teacher in the national school established in his parish a person of the name of O'Donnell, who had previously been dismissed from the coast guard, and dismissed too on the ground of his having made seditious speeches. It might be said that this charge had been examined before the commissioners; that, at all events, was the answer which was now given to the allegations. The question was certainly inquired into by the committee last year with great minuteness. It appeared, that in 1835 the Rev. Mr. Nangle, the clergyman of the island of Achill, made a complaint against this individual, O'Donnell, for getting up a procession with flags and banners bearing inscriptions of an inflammatory nature on the occasion of Dr. M'Hale visiting the island. This was done with the intention of stirring up the inhabitants of the island against the Protestant mission that was established in it. In making his complaint against such proceedings the Rev. Mr. Nangle stated, that he was informed that O'Donnell had been one of the coast guard, but that he had been dismissed for using seditious and inflammatory language. That person had, however, in an affidavit, sworn at the instance of the commissioners, denied, that he had been dismissed for using seditious language, or had ever used such language. In that affidavit he denied the whole averment, that he had been dismissed for using, or had ever used seditious language. Now, he had brought evidence before their Lordships' committee last year to prove that O'Donnell had been dismissed from the coast guard in consequence of his having made use of seditious expressions. Lieutenant Irwin, who was at the time in command of the coast guard, proved the fact. The right rev. Prelate quoted Lieutenant Irwin's evidence at some length. It concluded thus:—"I had another strong reason for believing this man had been guilty of this offence. M'Carthy being a Roman Catholic, I thought that unless they had had some private quarrel, or some pique, he would not have made this charge against him; and I particularly inquired if there had been any quarrel between the men, for I was most anxious to keep the man." There was, besides, the right rev. Prelate continued, the evidence of John and Charles Bulkeley, who both declared, that they had heard O'Donnell using the improper language ascribed to him. Strong, however, as that evidence was, there was negative evidence which appeared to him to be much stronger. The commissioners, it was true, showed their zeal for their own character by procuring the affidavit of O'Donnell; but if that which was alleged relative to him were untrue, or if any unjust representation had been made relative to the commissioners, why was not an action brought? Why was not an indictment preferred, so that the whole matter might have been investigated in a court of justice? That course was not taken, nothing of that kind was done. After this man had been dismissed from the coast guard, he was appointed as teacher to a national school; but complaint having been made of his conduct, the commisioners found it necessary to remove him from that school, and to place him in another. And where, he asked, was the school situated to which he was removed? Why, it was situated in the very parish where he had used the seditious language that caused Lieutenant Irwin to dismiss him from the coast guard. This, he supposed, was done to give a triumph, or an apparent triumph, to the party to which O'Donnell was attached over those who complained of his proceedings. The school to which this person was removed was, it should be observed, under the especial patronage of Priest Hughes, a man notorious for his furious opposition to the Protestant religion. The Rev. Mr. Gildea, in his evidence respecting Priest Hughes, thus expressed himself:—

> "Mr. Hughes's notoriety is so great, that I do not think there is any one in the country that arrives near to it. It is notorious that he advised his people from the chapel altar to use pitchforks, and put into bog-holes any of the persons who approached their houses upon the subject of scripture or scriptural education. Mr. Hughes admitted this before the magistrates sitting at petty sessions, who were investigating a matter connected with it. One of these magistrates, Mr. Gildea, was then in London. He might, therefore, have been called to contradict this statement, if it were untrue."

It thus appeared that O'Donnell, whose fury against the Protestant religion was well known, was placed by the Commissioners of National Education in the situation of teacher to a school under the patronage of Priest Hughes. This was not done in ignorance of his character; because the secretary expressly said, that the case was investigated. Yet, in spite of this—in spite of what came out on that investigation—the commissioners thought fit to thrust this person, as a teacher, into the parish of the rev. gentleman who now petitioned their Lordships against that appointment. Surely, there must be something exceedingly defective in the working of this system, when they found a person placed at the head of a school who had been dismissed from the coast guard for seditious and inflammatory proceedings. He had no hope, recollecting what had already taken place on this subject, that their Lordships would adopt any steps in this matter. If he could indulge in such a hope, he certainly would not conclude with the motion which he now intended to make—namely, that the petition be laid on the table. On the contrary, he should in that case, move, that the allegations contained in the petition should be most seriously inquired into, in the hope that, if the matters set forth in the petition were borne out by proof, their Lordships would approach the throne, and request that this man should be dismissed from the school: nay, he would go further, and ask that the commissioners, who had thus abused their authority, should also be dismissed from their situations. He did not, however, impute individual blame to all the commissioners. He was sure that the noble Duke (Leinster) whose name stood at the head of the commission would suffer any sacrifice rather than lend himself to such proceedings, if he was aware of them. But, individually, the commissioners could not have cognizance of everything that was done in their name. He must, therefore, speak of them as a body, and he must say, looking at them in that point of view, that some of their proceedings were contrary to all feelings of justice, to all regard for fairness, and even to the respect which was due to their own character. They might, perhaps, consider themselves safe in acting as they pleased; they might deem themselves to be a sort of "chartered libertines," who were at liberty to do what they liked. Still, however great the support they might receive, and however unsuccessful his efforts might be in exposing what he conceived to be abuses, he should never be deterred from the fearless performance of his duty. He should now move "that this petition be laid on the table."

Lord *Plunkett* felt it necessary, after the observations of the right rev. Prelate, to request their Lordships' attention for a short time. It appeared to him that the object of the right rev. Prelate was not so much to remove the person so often referred to from his school as to make an attack on the commissioners—men who were acting most disinterestedly and whose great desire was, to promote the welfare and tranquillity of Ireland. The right rev. Prelate had expressed a wish to address the Throne for the removal of the commissioners. Now, if such an address were agreed to, what would be its effect? Why, it would remove from their useful labours the Duke of Leinster, the archbishop of Dublin, the Provost of Trinity College, Mr. Blake, Mr. Holmes, and other equally estimable men. Mr. O'Donnell had been rebuked by the Board of Commissioners for Education in Ireland for the part he had taken in a procession in honour of the titular Archbishop of Tuam, but it was too much to put him now on his trial for the use of seditious language alleged to have been uttered by him so long ago as the year 1831, and of which up to the present hour no notice had been taken, nor until the missionaries who had taken up their abode in the island of Achill thought fit to make a representation to the Board of Education Commissioners in the year 1835. However, on receipt of that communication the board had directed their secretary to communicate with Lieutenant Irwin, of the coast guard, in the district by whom it had been alleged O'Donnell was dismissed from that service, as to the cause of the accusation. Lieutenant Irwin wrote back, that in his recollection nothing had occurred as to the dismissal of O'Donnel worthy of notice. The noble and learned Lord read two letters from Lieutenant Irwin, one stating that he did not recollect O'Donnell; the second stating that O'Donnell had been dismissed on a charge of using seditious and disloyal harangues. If O'Donnell had been dismissed for improper conduct, the circumstance would have lived in the memory of Lieutenant Irwin. With regard to the charge of the use by O'Donnell of seditious language, the noble and learned Lord referred to the evidence of M'Carthy and Routledge before the Education committee, which went to show, that they themselves had not heard the words imputed in the petition used, that the speech itself had never been reduced to writing, and that the charge had never been communicated to O'Donnell. All the facts alleged in the petition were denied by O'Donnell on his oath in an affidavit which he (Lord Plunkett) held in his hand. The right rev. Prelate had alluded to a speech of his published in the form of a pamphlet; but why should the right rev. Prelate have been so unmanly as to deny the authorship? The publishers, Messrs. Murray, were highly respectable men, well known to most of their Lordships, but on being applied to, had refused to yield up the author of that which had given offence to the party assailed. It was unworthy the right rev. Prelate to shelter himself under the veil which his own publisher threw around him. But still the right rev. Prelate was disposed to renew a topic which *ad nauseam* had been discussed by their Lordships, and with which they must be now completely sickened. After all his attack and repetitions, nothing more had been done by the right rev. Prelate than to move, that the petition should lie on the table, a motion which he most cordially seconded.

The Earl of *Roden* was not present when the right rev. Prelate presented the petition; but he was a member of that committee which sat up stairs for the purpose of instituting an examination into the system of education in Ireland in the last session of Parliament, and he well remembered the impression which was made on the minds of the great majority of that committee by the appointment of the individual in question to the office of master of a national school under the board of education. He did not think, that the right rev. Prelate had at all acted inconsistently in his character as a Member of of that House in bringing before it the appointment of an individual who certainly had been, in the opinion of the committee up-stairs, guilty of a great dereliction of duty, and had proved himself to be a strong party man, which alone, it appeared to him (the Earl of Roden) rendered him unfit to fill the office of schoolmaster under a system which was intended to be general in its application. He must say, that the right rev, Prelate had a right to find fault with the commissioners: it was true that they were most respectable and highly gifted men, and for the noble Duke at the head of the board he had the greatest regard—he might say the sincerest affection; but, at the same time, when they appeared before that House in their character as the public commissioners of education, any noble Lord had a right to refer to them in that capacity, and canvass the manner in which they discharged their duty. He could not but sincerely regret, that the person named O'Donnell had been again appointed to the situation of schoolmaster; for what must be the effect? It must be to prevent all persons of conscientious feelings, and all classes, from believing, that any benefit could follow from these schools. He confessed, that he had heard with some surprise the noble and learned Lord say, that he rejoiced to see, that there was a great amalgamation of the two religions in Ireland. The noble Lord spoke as if he seemed to think, that there was very little difference between the Protestant religion and Popery. As a Member of their Lordships' House and of the Protestant Church he must declare, that he could not agree in any such sentiment. He believed, that there was not one honest Roman Catholic in this country who was conscientiously attached to the principles of the religion he professed, nor one Protestant who was really acquainted with the truths of the gospel, who would hold any such opinion. He must repeat his surprise at the language used by the noble and learned Lord, because he could not but recollect, that awful declaration which their Lordships had been obliged to make at the table of that House on taking their seats; the oaths which they had sworn must either mean something or nothing, and they had declared on their solemn oaths what their opinions were of the doctrines of the Roman church. Therefore he regretted from his heart, that the noble and learned Lord should have expressed himself in such a manner on this subject; and he felt, that if he had not taken that opportunity of stating what he thought in contradiction to such sentiments, he should have been guilty of a great dereliction of duty.

The Bishop of *Exeter* said, the noble and learned Lord had been pleased to reproach him for want of manliness in not avowing himself if he had authorized the publication of the speech to which reference had been made. The first impression on his mind was, that he should come forward and avow himself, but having put the case into the hands of a learned and able counsel, as able as the noble and learned Lord himself, that Gentleman advised him not to do so, saying, that all that those who talked of proceedings wanted was, to drag him forward and get him into a paper war, but that they never would proceed. The noble and learned Lord himself had shown the utter impossibility of any chance of proving a case of libel, and that the legal proceedings which were commenced must be, as they proved to be, utterly groundless and futile. He must say, that he had never heard one word come from the noble and learned Lord that he would not have the manliness to contradict if it required contradiction, and neither the terrors of the noble and learned Lord's eloquence, nor his vituperation, should ever deter him from doing so, The noble and learned

Lord had thought fit to throw an imputation on a man as honourable as himself—Lieutenant Irwin. The noble and learned Lord had insinuated, for he had the tact of seeming to say a thing which he did not say outright, but which he sufficiently indicated, that the second letter of Lieutenant Irwin was produced in consequence of a communication with Mr. Nangle in the interval between the dates of the two letters. The noble and learned Lord had the confidence to refer to the volume of evidence taken before the committee, and it would be seen how hazardous the noble and learned Lord had been in his attempts to impeach the character of an honourable man. "You will recollect," said the noble and learned Lord, "that he had a communication with Mr. Nangle." Now, there were on that committee persons well disposed to favour the commissioners, and to cross-examine the witnesses severely when they stated anything against them. What was the evidence on record? "On the 30th of July you did not recollect the circumstance of having discharged this James O'Donnell?—I did not." "What brought it to your recollection on the 14th of August?—Mr. Dombrain, Inspector-General of the coast-guard, the head of our department in Ireland, sent me a note from Mr. Nangle" (written, it should seem, to Mr. Dombrain), "wishing to know if James O'Donnell had been discharged by Lieutenant Irwin from the coast-guard, mentioning the station where he was, at Rossmore Point, under John Routledge, chief boatman. The moment I saw that note the whole thing occurred to me at once. There was nothing more in the note than just that; I did not know Mr. Nangle, but that brought it to my recollection." Such was the foundation for the insinuation which the noble Lord had thought fit to cast on Lieutenant Irwin; and he must say, that if the evidence reflected dishonour on any one, certainly the lieutenant was not the person. All that took place was this: the commanding-officer, on being applied to by Mr. Nangle, very naturally wrote to that Gentleman. The lieutenant said, the place Mr. Kelly, the secretary of the board, mentioned was Rossmore. There are a great number of Rosses, and names of that kind, where they had stations; and as he did not mention the name, the station Rossmore Point, Lieutenant Irwin did not recollect the circumstance. The noble and learned Lord had said, that O'Donnell was not proved to be a Steelboy any more than he himself had been. He did not know in what respect the noble and learned Lord was or ever had been a Steelboy; he could only say, that O'Donnell was dismissed because it was proved to the satisfaction of the commanding officer that he was a Steelboy. The noble and learned Lord had put himself into the same boat with this boatman, and made himself his equal in the cause of Steelboyism, but he had most skilfully contrived to steer as near the wind as possible with respect to the main cause and complaint of the petition—namely, that the Educational Board had knowingly and advisedly appointed this person as a schoolmaster in the very parish in which he had been known as a Steelboy, and in which he was dismissed from the King's service for being a Steelboy. That was the gravamen of the charge. If he had been sent to any other place where he was unknown, perhaps there would have been no complaint; at least there would not have been so much ground for complaint. But the real charge was, that after Lieutentant Irwin had dismissed him for misconduct, it was on that very spot that the board dared to place this man as a national schoolmaster. The noble and learned Lord had not been so venturous as the commissioners in dealing with that part of the case; that was the pinching part of the case, and just that part which the noble and learned Lord had been unsuccessful in answering.

Petition laid on the table.

CANADA.] Lord *Ellenborough* rose pursuant to a notice which he had given, to put a question to the Colonial Secretary, on the subject of a letter which had appeared in the *Quebec Gazette*, dated the 31st of May, and purporting to have been addressed by the direction of Lord Durham to the members of the Executive Council of Lower Canada. The noble Lord said, he thought he had better read the letter to which the question he was about to propose referred:—

"Castle of St. Louis, Quebec,
"May 31, 1838.

"Sir,—I am directed by his Excellency the Governor-general, to acquaint you, that it is not his intention to continue the Executive Council, according to its present composition, and that your services therefore will not be required for the present.

"His Excellency has come to this determination, not from any feeling of dissatisfaction with the conduct of that council, or any of its members; on the contrary, his Excellency particularly directs me to express his high sense of your services, and his esteem and respect for yourself personally. But his Excellency deems it essential for the objects of his mission, that during the temporary suspension of the constitution, the administrator of affairs should be completely independent of, and unconnected with, all parties and persons in the province.

"Dissensions and animosities have naturally, during the course of the late unfortunate events, been carried to such an extent, that the necessary abstraction from all party feeling, cannot be expected from any who have been participators in the struggle on one side or the other.

"His Excellency believes, that it is as much the interest of you all, as for the advantage of his own mission, that his administrative conduct should be free from all suspicion of political influence, or party feeling; that it should rest on his own undivided responsibility, and that when he quits the province, he should leave none of its permanent residents in any way committed by the acts which his Government may have found it necessary to perform during the temporary suspension of the constitution. When, happily, the time shall have come for the re-establishment of constitutional government, the different powers composing it will return to their natural state, and be confided to those whose station in the province, and personal character, entitle them to the confidence of their Sovereign, and their country.

"I have the honour to be, Sir, your most obedient servant,

"CHARLES BULLER, Jun.
"Chief Secretary."

There were two questions arising out of this letter, which he had read at length, lest any noble Lord should think, that he had omitted any part of it, which, in his opinion, would appear to be of importance. The first question related to the Executive Council, and the other to the Special Council appointed under the Act. It appeared that Lord Durham had appointed to form the new Executive Council, Mr. C. Buller, M. P., the chief secretary; Mr. T. E. M. Turton, secretary; colonel G. Cowper, K. H., military secretary; the provincial secretary; and the commissary-general. He understood from information not yet received by official despatches, that the old council had been dissolved. Now, he thought, that a question would arise as to the legality of the whole proceeding; and that it was doubtful whether her Majesty herself could displace those persons, except for misconduct, or some sufficient cause. The necessary result of this proceeding, however, on the part of Lord Durham was, that the five persons holding office, and who now formed the Executive Council, became, by an old custom of the colony, the sole board of audit, and consequently those persons would have, as auditors, to examine and pass their own accounts. But more than that, the council so formed, became also a court of appeal; but without authority from this country, that court could not sit. If, however, authority was granted, then the council became a court of appeal, and Mr. Turton might become Chief Justice. The first question, then, which he had to ask the noble baron was this—had Lord Durham, in thus composing the Executive Council, acted in accordance with instructions issued by the Government, or had he acted without instructions, or contrary to his instructions? But there was another question of very great importance which he wished to ask the noble Baron, and which had reference to the Special Council. In the Act which had recently been passed, Parliament did not create a Governor-general for Canada, or invest him with power to act solely on his own responsibility, but, on the contrary, the act created a governor and council, the council being for the purpose of advising with the governor on all questions of policy relating to the colony. The Act rendered it necessary that Her Majesty should constitute a special council, and all the power with which the governor was vested, was the power of appointing such a number of councillors as he might see fit, and to the governor, with the council, the Legislature delegated the powers, under certain limitations, which had formerly been exercised by the Parliament of Lower Canada. Now, he believed there was no one in that House, nor in the other House of Parliament, who imagined, when the Act he alluded to was under discussion, that they were to create a Governor-general, to act with a sham council; but, on the contrary, that the object was, that the council should be composed of persons resident in the country, possessing extensive local knowledge, and therefore competent, without hesitation, to offer sound and independent advice on all the propositions of the governor, and in every case of emergency. They proposed that the council should be so composed as to allow them to infer, that consideration would go before action. Such certainly was the intention of the Legislature; but if the Governor-general, in composing the Special Council, acted on the principle which was laid down in the letter he had read—if he acted on the principle that no person resident in Canada should become a member of the council, then the Special Council, like the Executive Council, would be a mere sham council, incapable of advising the governor from local knowledge, and incapable of exercising that beneficial influence over the actions of the Governor-general which Parliament intended it should exercise. If the Special Council was formed upon the principle laid down in Lord Durham's letter, then the council was not *bonâ fide* what the Legislature intended it should be, and a body framed upon that principle would be uttely incapable of carrying out the provisions of the Act, or the intentions of Parliament. The second question, therefore, which he had to ask the noble Baron was this—had the noble Baron, or had her Majesty's Government, issued instructions to the Governor-general limiting the persons to be appointed, and directing that the appointments should be given exclusively to persons not resident in Canada; or, if no such instructions had been issued, then he begged to ask, whether the Government had received from Lord Durham any information, any despatch, stating the principle upon which the Special Council had been formed.

Lord *Glenelg* said, the noble Lord had asked whether the Government had received any information from Lord Durham in regard to the principle upon which his noble Friend had proceeded in the formation of the Special Council. To that question he had to reply, that the only information the Government had received was contained in the *Canadian Gazette*, and that source of information was open to all their Lordships. The information so conveyed had not been accompanied by any letter of explanation, and, therefore, their Lordships would see, that it was impossible for him to state upon what principle the Governor-general had proceeded in the formation of the council, except in so far as that principle was developed in the letter which had been read by the noble Lord opposite. In regard to the first part of the last question which had been put by the noble Lord, he begged to say, that there was nothing in the instructions issued by the Government to the Governor-general as to adhering to any particular class of persons in the formation of the council, or anything limiting the persons to be appointed, or reserving the appointment to persons not resident in the colony. The Legislature had thought proper to intrust the Governor-general with powers the most extensive, and the Government, acting on the same principle, had considered it advisable to leave to Lord Durham the power of deciding, on his arrival in the colony, what would be the best course for him to pursue, and accordingly had issued no specific instructions in regard to his proceedings. With respect to the first question put by the noble Lord, he had to say, that the letter which had been read by the noble Lord, and which had reference to the Executive Council, contained the opinions of Lord Durham on the subject, but no particular instructions had been issued by the Government in regard to the formation of the Executive Council.

Lord *Brougham* said, that his noble Friend seemed whimsically to think that his answer was satisfactory. As to the two first questions put by the noble Baron opposite, he (Lord Brougham) did not think that any answer had been given. It was not a matter of option with the Governor-general whether he would have a council or not; he hoped, that the noble Lord had not so soon forgotten his own coercion Act, for by the 2d clause power was given to her Majesty in council to give particular instructions for the constitution of the Special Council, and for that purpose the Governor-general was to appoint such and so many persons to be members of the council as to her Majesty might seem fit. Such and so many were the words; so that the kind and quality as well as the number of the members of the council were to be such as to her Majesty in council should seem fit. The noble Lord might, probably, say, that this power was only permissive; but there was to be no one thing done without the appointment of a special council, whence he supposed that his noble Friend's (Lord Ellenborough's) second question arose, and led to the asking of a third—whether the power had been exercised by the Crown under the second section of the Act of Parliament? And he hoped, that the noble Lord (Lord Glenelg) would forgive him, and not think him curious, if he considered his answer as *jejune*, and again asked him whether provision had been made under the second section of the Act, by her Majesty in council, under the sign manual or signet, enabling the Governor-General to appoint such and so many persons as to her Majesty in council should seem fit to form the Special Council? Till such an order had been made, all was at a stand-still: the old constitution was repealed, but the new one was not brought into operation. He (Lord Brougham) could not help thinking, that some dictatorial individual had been appointed, who said, that he would not only domineer over her Majesty's subjects, but who did not think it necessary to give his masters at home any information. His noble Friend seemed in a happy state of ignorance: he knew nothing of the people who were to be appointed, or of the things which were doing or to be done, except as they appeared in *The Gazette*, which was patent to all mankind; and he could not help thinking, that that noble Earl was trusted to do as he pleased, but let him, at least, tell what he did.

Lord *Glenelg* had understood, that he was asked whether any instructions had been given with respect to the formation of the Special Council which went the length of limiting it, or of excluding any individuals in the country; but his noble and learned Friend had been carried away by his excursive imagination to suppose, that he had not answered a question, when the question had not been put by the noble baron; which simply was, whether the Government had issued any special instructions, and whether in those instructions any individuals were excluded from the council, and to that he had announced that he had not. How was it extraordinary, then, that he had not answered a question whether the order in council had been made for the formation of a special council? To that he would answer at once, that authority had been given for the formation of this council, and that instructions had been issued at the time, before the sailing of Lord Durham. He had answered the question of the noble Baron explicitly, and he now gave as explicit an answer to the question of the noble and learned Lord.

The Earl of *Ripon* said, that the Act only suspended the Legislative, not the Executive Council. Now, Lord Durham had formed a new council, and formed it upon the very principle which the people of Canada had always contended it ought never to have been formed upon. The new council was composed of five officers connected with the Governor-general, and a similar formation of the previous council had given rise to all the complaints of the Canadian people, and been the origin of all the disputes and disturbances which had arisen in the colony. The result of the arrangements of the Governor-general, as they were stated in the letter which had been read, was, that a new council had been created upon the very principle against which the people of Canada had for the last twenty years been contending.

APPOINTMENT OF MAGISTRATES IN IRELAND.] The Marquess of *Londonderry* felt it his duty to call the attention of their Lordships to a subject of the greatest importance to the peace and tranquillity of Ireland. He alluded to the recent appointment of magistrates in that country, and although on a previous evening, when his noble and learned Friend (Lord Lyndhurst) brought forward his motion respecting the appointment of sheriffs, the subject had undergone considerable discussion, yet there were many features of the case which had not then been fully investigated, and to those points he now wished to direct the attention of the House. In doing so, he was afraid that he would have to charge the noble Marquess opposite (Normanby) with having exercised his authority improperly in the appointment of magistrates, with having acted partially in his selection of magistrates, and with having acted without authority in the arrangements which he had thought proper to make. These were grave charges; but if the House would give him its attention for a short time, he felt confident that he should be able to lay before their Lordships satisfactory proof that they were not altogether groundless. Since he had first given notice of his present motion, he felt bound to say, that certain communications had been made by a noble Marquess, whom he did not then see in his place, to the noble and learned Lord opposite; and he was free also to own that his representations contained in those communications had been productive of some good effects. But while he allowed so much, it was evident that the conduct of the noble Marquess (the Marquess of Normanby) was, from that fact, shown to have been more conspicuously unjust; for he had first dismissed certain magistrates from office, and then, on the representation made to him, restored them again to their situations. That restoration showed that there had been no ground for their dismissal, and although it might be argued that their restoration made some amends for the injustice to which they had been subjected, yet he contended, that that restoration did not efface the injury which had been done in the first instance. He held in his hand a letter which had been issued under the authority of the noble Marquess, which had appeared in all the public papers, and which was couched in the following terms:—

> "That it having become necessary, in consequence of the late demise of the Crown, that new commissions of the peace should be issued, the commissions which were in force at the death of his late Majesty were continued by Act of Parliament for a limited period, in order to give time for a general revision of the magistracy of Ireland. His Excellency has, with a view to such revision, conferred with the Lord Chancellor on the general principles by which it should be guided, and has caused a very careful examination to be made of the existing lists. The results of this examination have shown that they require much correction, and that the names of many individuals appearing to hold the office may very properly be omitted in the new commission."

Now as to the list which was sent down to the new commission, and which was said to have been so carefully examined by his Excellency the Lord-lieutenant. Why, there were several names of persons who were actually dead. So that, notwithstanding all the careful examinations that had been made of the list, in one county alone (the county of Down) there were entered the names of two gentlemen who were dead. The principles laid down in his Excellency's letter he was not disposed to find fault with. By the first he meant, that clergymen were not the most proper persons to be in the magistracy. Now there was a difference between appointing new magistrates, and dismissing those who had been long in that office merely because they were Protestant clergymen, more especially in a country so situated as Ireland. The principle itself he would not object to, if the noble Marquess and the noble Lord (Lord Morpeth) would carry it out with fairness; but there had been the greatest partiality and most extraordinary and remarkable instances of favour on the part of the executive. The other principle was, that two persons of the same family should not sit as magistrates on the same bench. This might be good, but what he found fault with was, the extreme partiality which had been shown in the application of it. In the county of Down, with which his interests were more immediately connected, as well as in the counties of Derry and Antrim, there had been an improper exercise of power by the executive Government, with a view to bring the Protestant magistrates into disrepute, and to lower the estimation in which they were held, by removing them from that high position in which they stood as magistrates, and in which they all felt great pride. Every one who was acquainted with Ireland must know, that the justices of the peace there were as proud of the J. P. after their names as any of their Lordships were of their respective titles. What he charged against the noble Marquess was dismissing them without giving them a fair opportunity of answering for any misconduct that might be alleged against them. In the letter, to which he had already referred, there was another remarkable passage, inasmuch as he did not see under which of the two classes the noble Marquess intended, that those magistrates who had been dismissed should range themselves. The noble Marquess said in that letter—

> "These are the general principles which, without implying any reference to the personal merit of individuals, or meaning in the slightest degree to question their general propriety of conduct, his Excellency conceives should be adopted in making the present revision; but his Excellency desires me to add, that in some few cases it has appeared to him that circumstances in the conduct or character of particular magistrates render it desirable, for the better administration of justice, that they should not be re-appointed to an office of such trust and importance."

When these magistrates were dismissed, therefore, how were they to know whether they came under the first or second class? The letter stated, also, that a most careful examination had been made, but which, as he would presently show, was no examination at all, because these letters were sent to the Lords-lieutenant of counties when they had not time to make a proper representation to his Excellency since the new commission had been issued, and they, consequently, returned the names of some persons who were actually dead. In the county of Down there had been originally twenty-four magistrates; of these he believed some had been restored, but that about twelve Protestant magistrates had been dismissed; and these might be put into three classes. The first would be Protestant clergymen; the next would be persons who were non-resident, and who, for reasons which certainly appeared right, were excluded; and the third were gentlemen of great property and consequence, for whose dismissal there was no reason whatever. The names of the clergymen who had been removed in the county of Down were the rev. Thomas Beatty, the rev. Holt Waring, the rev. Charles Hamilton, the rev. Francis Lascelles, the rev. Charles Campbell, the rev. John Davis, the rev. Thomas Carter, and the rev. H. E. Boyd. All these persons had been dismissed without any communication with them whatever. In the county where it was stated, that magistrates were so much wanted, what would be the consequences, since no lay person could be named there,—the Lord-lieutenant would have the power of making stipendiary magistrates, and of sending persons totally unconnected with the county by property, or otherwise to sit on the bench. This was a proof that the principle of the letter had not been carried out fairly amongst the gentlemen whom he had named. The rev. Mr. Ford, who was brother to a gentleman who had formerly been member for the county, remained in the commission, whilst the rev. Holt Waring, who had been long established in the county and was a most excellent magistrate, had been dismissed. How the noble Marquess would justify this, he was at a loss to know. The case of the rev. Henry M'Dowell Johnstone came next. He had also been excluded. That gentleman might not perhaps possess so much property as Mr. Ford, but that was no reason why the one should be retained and the other removed. The rev. Mr. Boyd was another example; he was a most excellent magistrate, but had no property. He had understood, however, that this gentleman had been since really appointed; but why should the clergymen whem he had before named be removed without any cause whatever? He hoped the noble Marquess would give him the papers which he should have the honour of moving for, in order that the case might be submitted to the inquiry of a select committee, which he intended to move for at some future day; because if it were granted in the case of the sheriffs, he thought there was fairly a right for a similar committee to inquire into such traces of favour and partiality, as he was able to prove in the appointment of the magistrates. He did not deny the right of the Government to appoint whomsoever they pleased; but when any magistrates were removed, and he might say in a most unjustifiable manner, it was their Lordships' duty to inquire into the cause. If the noble Marquess with his new flushing honours were to be put aside by any representation of his noble Friend, the noble Viscount at the head of Her Majesty's Government, and if on inquiry he found from his noble Friend that he had been set aside for no particular misconduct, and if after this he were to be restored, he would ask the noble Marquess whether he would not feel his dignity hurt and his honour wounded? These magistrates had been set aside without any reason whatever; they might be replaced, but, although on inquiry their conduct might stand irreproachable, yet their dismissal in the first instance would be the greatest evil. It would inflict on them a degree of censure and disapprobation of which all the surrounding neighbourhood would be sensible, and they would, as it were, have to go to the highways and byways to get back the authority and respectability which they enjoyed before. This was not the way to maintain a peaceable disposition, nor to tranquilize a country, nor would it be satisfactory to the Protestants of Ireland. Yet, in a country which for intelligence and good conduct stood as high as any other in the kingdom, the noble Marquess had thought fit to dismiss seventeen or eighteen Protestant ministers. This was a great and monstrous evil. There was another case, which he believed the noble Lord had inquired into, but upon which he had not yet come to any decision. He alluded to the case of Mr. Trevor Corry. He had been told that this gentleman, when a magistrate, had been complained of in a petition from a certain individual of having misconducted himself. In consequence of this, an inquiry was ordered by his Excellency, at Newry, the result of which was, that nothing whatever attached to the character of this individual, but that the charge was entirely incorrect; and, as far as he knew, nothing was brought forward against him. Mr. Trevor Corry at last thought himself justified in applying for the depositions that had been taken;

in answer to which he was told that they were in the hands of the Lord Chancellor, and that as to any proceedings which the Lord-lieutenant might take against him, that would be seen when the new commission was issued. When Mr. Corry received this communication, he took the opinion of counsel upon the subject, and it turned out that, as the depositions had not been taken in a court of justice, he could not proceed upon them to trial for perjury against the person who had made the charge. Here the matter rested, without Mr. Corry having received a single proof of the Lord-lieutenant's displeasure, and considering himself entirely innocent. Yet several months after, when that gentleman was residing at Newry, he found that his name was not included in the new commission. Only let their Lordships conceive how far such an exercise of power on the part of the Government in removing magistrates in Ireland would be injurious; for if any person in a station of the least respectability chose to trump up a petition against a magistrate, and to lay it before the Lord-lieutenant, and if an inquiry took place, and the person against whom the charge made was proved to be perfectly innocent, yet if the Government pleased, they were to make this the excuse for removing that individual from the office he held, and without his being in any degree communicated with. The character of this gentleman stood very high in the county, but notwithstanding this, when the new commission was issued, his name was omitted, and without any communication whatever having been made to him. Such conduct of the Government was in his opinion a wanton example of the grossest injustice. The noble Marquess then proceeded to read a letter from Mr. Corry, speaking of the manner in which this individual had conducted himself as a magistrate. The letter went to say, that the writer, had always been vigilant, and attentive to his duties, and that he was at a loss to imagine the reason for which he had been removed. This, however, was not all, for he could lay before their Lordships even a stronger case It was that of a person near Landbridge. The noble Marquess had shown great partiality in the appointment of Magistrates of the county, as was proved by his retaining in the commission a Mr. John Lindsay, and leaving out many respectable Protestant men. This person he could prove, had greatly promoted tithe agitation, and had forged a charge against the rev. John Sampson, who was at that time one of the magistrates. This paper was laid before the Chancellor, and a correspondence took place, and Mr. Sampson was afterwards dismissed, but the neighbouring magistrates refused to sit on the same bench with this Mr. Lindsay, considering him as an unfit person to associate with, in consequence of his having forged this charge against Mr. Sampson. This man Lindsay and his brother, both of whom were in the linen trade, were appointed magistrates in the new commission, and this was most extraordinary, since they would have to decide at the petty sessions all disputes that might arise in that part of the country with respect to the wages of the hand-loom weavers. There were many other cases which, but for the lateness of the hour, he could have brought forward, and he felt confident, that if Government would grant him the papers which he should move for, he should be able to prove them before a select committee. There had been thirty Protestant magistrates dismissed in the county of Derry; twenty in the county of Down; and fifteen or twenty in the county of Antrim; so that altogether fifty or sixty Protestant magistrates had been dismissed in the province of Ulster alone, and this he would pledge himself to prove before a select committee, as far as it related to the county of Down, with which he was more particularly connected. Was it not, he would ask, hard and unjust to men who had always been most zealous in the performance of their duties, who had done all in their power to preserve the public peace, and who looked forward to this honour as their reward, to find themselves excluded from the new commission when they were advanced in life, and to be turned out without their knowing on what grounds their dismissal had taken place? This system was called purging the magistracy, but it was purging it in a paltry and very improper manner, when the most valuable and best members of it were dismissed for no reason whatever. He must say, that if the Government dismissed the Protestant clergy from the magistracy in a part of the country which, of all others, most required their authority to administer the law and preserve the peace, they would soon have an universal supremacy of another kind, which he could not think the noble and learned Lord opposite (Lord Plunkett) would in his heart be inclined to have. The noble Marquess who was at present Lord-lieutenant of Ireland, possessed very great authority, and various bills had been passed which had given him the greatest power; but he thought, that if it were not for the fellowship in the councils of the noble Marquess of another individual, without whose cognizance nothing whatever was done by the Irish Government, the noble Marquess pretty well knew that he could not have so long retained the position which he at present enjoyed. In his opinion, the day on which the noble Marquess was appointed Lord-lieutenant was one of the most unfortunate to Ireland, and one of the most fortunate would be that on which the noble Marquess would resign the Government. His Lordship moved for a copy of a circular letter addressed by order of the Lord-lieutenant of Ireland to Lords-lieutenan of counties in Ireland, dated Dublin Castle, May 4, 1838, signed "Drummond." Also copies or extracts of the Lords-lieutenant of counties answers to the same, with their dates. Also the order from the Hanaper-office, calling upon the magistrate in the new commission issued to take out their *dedimus* without delay. Also lists of the old commission, specifying the magistrates who have been erased. Also lists of the new commission, specifying the new magistrates who have been added: and also returns of the stipendiary magistrates appointed since the passing of the act, specifying to what counties they have been appointed, with the dates of the same.

The Marquess of *Normanby* was prepared to meet the motion of the noble Marquess in perfect good humour. To the greater part of the motion he had no objection; but that portion of it which related to the confidential communications from the Lord-lieutenants of counties, he felt the strongest objections, and he objected, also, to giving extracts, inasmuch as the whole of the communications were of a confidential nature, it being stated in the circular that they would be so received. But although he did not object to the motion itself (with the exception he had just mentioned), still he did very strongly object to the manner in which it had been brought forward. On behalf of those very gentlemen whose cases were still under consideration, a more inconvenient or a more irregular course than that pursued by the noble Marquess could not have been adopted. The noble Marquess, in having brought forward the names of men whose cases were actually still under the consideration of his noble and learned Friend, with whose department the dismissing or retaining of magistrates especially rested, had, he must repeat, pursued a course more irregular than any he had ever before been present at in their Lordships' House. The noble Marquess had, throughout his speech, alluded to another noble Marquess, who was not in his place, as having given his sanction to the present motion. Now, he must, on his own part, most distinctly state his disbelief that the noble Marquess (the Marquess of Downshire) was any party to this motion. He did not think that that noble Marquess, as the Lord-lieutenant of the county, would feel it his duty to communicate to the noble Marquess opposite what had passed upon this subject; indeed, when he came to speak of the cases, he should show, that it was impossible that the noble Marquess opposite had had any communication with the Lord-lieutenant of the county of Down. But he would now come to the main point. The noble marquess opposite began by stating that which from him was certainly a great concession—that to the general principles contained in the circular letter addressed, by his dictation, after anxious consultation with, and mature consideration by, his noble and learned Friend (Lord Plunkett), to the Lords-lieutenant of the counties, he concurred. That spared him the necessity of troubling their Lordships with any observations in support of those principles, because to the principles contained in that letter he most firmly adhered. He would, therefore, on this occasion, point out to their Lordships how far he deserved the imputation of having acted with unfairness and impartiality in the application of those principles. One of the principal grounds on which the noble Marquess rested his complaint was, that these gentlemen whose cause he had taken up had suffered the mortification of having their names omitted in the first instance. If the noble Marquess should not be more accurate upon this point than he was in his statement, that a general impression existed in Ireland against the new commission, it would be unnecessary for him to advert to the subject any further. But if the noble Marquess was correct in his statement, that in particular instances such an impression did exist on the minds of any gentleman, he could but express his great regret, and only explain how far the Government could be considered answerable for it. The noble Marquess stated, that on examining into the details of the commission, the Government did not exercise that vigilance which they ought to have taken. If not, it was certainly not for want of any willingness on the part of the Government to do so. But it was a very laborious task, and it was some satisfaction to know, that the result, up to this moment, had not disappointed the wishes entertained for its success. This morning replies had been received from all the counties in Ireland, except the county of Down, which was still under consideration, and there were only twenty-nine cases, of which the Government had yet heard in all Ireland in which any objections had been taken to the appointments of the magistrates by the Government. With regard to the time at which this circular was addressed to the Lords-lieutenant, he certainly regretted, that it had not been addressed to them at an earlier period; but it was impossible. The time, however, which was given to the Lords-lieutenant was sufficient, in a very great majority of instances, to enable the Government to procure from them very satisfactory replies; and all that he could now say was, that if there were any cases in which replies had not been obtained, and no communications consequently made to the Government, the same anxious attention on the part of the Government would be given to any representations that might still be made, and the same desire shown to meet the views of the parties on whose behalf those representations might now, or at any future time, be made. With this explanation, he thought the impression created on the minds of those gentlemen whose names had been omitted from the list of magistrates in consequence of the Lords-lieutenant of counties not having answered the circular addressed to them might be removed. One of the principles contained in that circular, and to which the noble Marquess alluded, was that of excluding clergymen, merely as such, from the commission of the peace. It was, no doubt, a question of very anxious consideration; but it had been found, even in England, that to impose the magisterial functions upon the clergy was to be deprecated, not only from political, but from social considerations; and there was a very prevalent feeling in this country, that it was desirable, whenever it was possible, consistently with the due administration of justice, that clergymen should be left out of the commission. His noble and learned Friend (Lord Plunkett) had just reminded him, that letters had been received from clergymen in different parts of Ireland, earnestly praying, that they should be relieved from the duties of magistrates. This was the feeling that prevailed with regard to the general question of clergymen being charged with the commission of the peace. If that feeling existed so strongly in different parts of England, he need not allude more particularly to the general state of Ireland than to mention the peculiar claims to property existing there, and how much those claims were connected with the duties of those on whom the preservation of the public peace devolved, in order to show how still more strongly must that feeling prevail in that country, and how much more desirable must it be for the clergy there to be left out of the commission. As to insinuating anything disrespectful of the Protestant clergy of Ireland, or that they had not in many instances made, perhaps, the most efficient magistrates, was far from his intention. But he would entreat their Lordships to consider, in the peculiar state of Ireland, how invidious it would have been to have made any distinction in the application of the general principle. There had, however, been two exceptions from the general rule; one of them was in the case of a clergyman who possessed very considerable property in the county; and the other was obviously a very necessary exception for the benefit of the public service. Indeed, wherever it could be demonstrated by a clear knowledge of the character of the individual and of the circumstances of the locality that it was for the benefit of the country that there should be an exception from the general rule there the exception would be adopted. These were the two principles to which the noble Marquess had referred; the latter only of which, however, had he questioned. The noble Marquess had said, that the Government had not acted "without fear or affection." With regard to the particular cases mentioned by the noble Marquess he would show how very carelessly the noble Marquess had selected his instances. The noble Marquess had asked why did not the Government act consistently? Why was the rev. Mr. Boyd replaced? Why was he not omitted?—[The Marquess of *Londonderry:* The Rev. Mr. Boyd was omitted in the first instance.] The noble Marquess was quite correct, but he was not correct in his inference. Only within the last few days his noble and learned Friend himself met the noble Marquess, the lord-lieutenant for the county of Down, who impressed upon his noble and learned Friend's mind the absolute necessity, upon public grounds, and for carrying out the public service in that particular district, that Mr. Boyd should be restored. His noble and learned Friend (if it were necessary that he should appeal to any evidence upon this subject) would be witness to the fact, that he rather objected in the first instance, and said, that if it were not a strong case of necessity, he should not like Mr. Boyd to be an exception. But the noble Marquess opposite (who was not the Lord-lieutenant of the county, but who seemed to have volunteered to be the advocate of all the Lord-lieutenants of counties in Ireland) — the noble Marquess seemed rather anxious to overthrow that authority; and yet, strangely enough, he said, that the Lord-lieutenant of the county ought to be consulted. Why, it was upon the very representation of the Lord-lieutenant, that Mr. Boyd was restored. "Yes," said the noble Marquess, "but you don't carry out your principle with respect to property. Why was not Mr. M'Dowell Johnstone restored?" Mr. M'Dowell Johnstone was restored upon the representation of the Lord-lieutenant of the county. With regard to the case of Mr. Holt Waring, he would rather not have referred to it, because his case was still undergoing investigation. But there were circumstances connected with that gentleman's character —not his personal character, but circumstances of a party nature, which rendered it a question whether it were expedient that Mr. Holt Waring should be restored. He was perfectly ready to state what those circumstances were, if it was thought desirable; still he wished to avoid being considered as throwing out any insinuation against that gentleman. Against the personal character of Mr. Holt Waring, he had nothing to say, though there were, as he had already said, circumstances which might lead one to doubt whether it were expedient he should be empowered to act as a magistrate in that particular district. As far as Mr. Corry's case was concerned, that was under similar circumstances to those of the case of Mr. Holt Waring. Mr. Corry announced to the Government, that in consequence of certain proceedings which had taken place, he meant to prosecute certain persons for perjury. The noble Marquess had this evening said, that Mr. Corry could not adopt any such proceedings; but no communication to that effect had ever been made by Mr. Corry to the Government. He had never heard till now, that Mr. Corry had abandoned his intention to prosecute; he knew, that Mr. Corry had postponed it. But there were circumstances which induced the law officers to give a strong opinion against the legality of Mr. Corry's proceedings. With regard to the case of Mr. Lindsay, he believed, that his noble and learned Friend, who had had some correspondence on the subject, was more in possession of the details than he was; but the rev. Mr. Sampson came under the general rule of the exclusion of clergymen, and did not fall under any of the exceptions which applied to those gentlemen who had already been restored. With regard to the concluding part of the noble Marquess's statement, in which he alluded to his distribution of patronage, and in which the noble Marquess had again repeated the twice-told, and twice-refuted tale of his being under some external influence, he begged to declare, what he had declared before, that he alone was responsible for every act which had been done by his Government in the distribution of that patronage, and that no person whatsoever had cognizance of the manner in which that distribution had been made, except those who were officially connected with him, on whom that responsibility rested. The noble Marquess had said, that it was his intention on a future day to move for the appointment of a select committee upon this subject. Upon that intention of the noble Marquess, he would not make any observation, "Sufficient for the day, is the evil thereof." But he thought, when the motion should be made, that he should be able to convince their Lordships, that a more improper subject to refer to a select committee, it was impossible to conceive. Certainly, he, for one, was contented to leave the case in their Lordships' hands upon the statement which he had now made.

The Earl of *Wicklow* expressed his surprise, that a different course should be now pursued from that which had been adopted in a former revision of the magistracy. The office of Lord-lieutenant of a county was created, in order, as was then said, that he might be a medium of communication between the magistracy and the Lord Chancellor and the Government. Why had the Government not made the Lords-lieutenant of counties the media of communication between it and the magistracy on this occasion? The Lords-lieutenant were then called upon to revise the lists under certain regulations laid down in the circular; but now the lists were revised by the Government, without consulting the Lords-lieutenant of counties. Lists were sent to each Lord-lieutenant of those who were to constitute the magistracy of his county, and along with these came a letter calling on him for his opinion on what appeared already decided by the Government. In such case, the Lords-lieutenant of counties had no power on the subject, except whatever might be delegated by the proper authority. The matter rested entirely in the hands of the Government. He could not see anything at present in the duty of the lieutenants making them a medium of communication between the Government and the magistracy. The act was passed expressly for that purpose, and he was still at a loss to know why the rule now in practice had been adopted, directly at variance with that act, by which the Lords-lieutenant of counties were first called upon to revise the magistracy, a supervision being subsequently made by the Government. If the Government had communicated with the Lords-lieutenant of the counties, and informed them of their intention, upon the accession of her Majesty to the Throne, to revise the magistracy, they had had it in their power to prevent, and would have prevented, her Majesty's Government from placing itself in the odious position in which it now stood. Had the noble Marquess at the head of the Irish Government pursued the course which had been pursued on former occasions, he would have saved many gentlemen of the highest reputation in that country from the stigma which had been unjustly cast upon them. That individuals had felt aggrieved there was no doubt, as applications on the subject had been made to him. He was aware, that in the course which had been pursued, mistakes had occurred, which would, of course, be rectified. Nevertheless, the wound had been inflicted. The individuals concerned could not but feel aggrieved, and though justice would be done, it would have been much better, and more consistent, had the necessity for rendering that justice been avoided.

Lord *Plunkett* said, that it was quite a mistake on the part of the noble Earl to suppose, that at the time the circular letter was addressed by Mr. Drummond the secretary to the Lord-lieutenant, the magisterial appointments had been made out, because the lists therein contained or subsequently forwarded, were sent for the express purpose of being revised by the Lords-lieutenant of counties. There were only two cases, those of Down and Cork, in which any difficulty had been imposed by the Lords-lieutenant, arising from the length of time taken to investigate the various cases. The latter place, however, had since expressed its perfect satisfaction on the subject. The noble Earl had remarked, that great injustice was done to those individuals who were removed and subsequently reinstated. Now, he begged to say, that gentlemen were removed from the commission of the peace, not upon any personal grounds whatsoever, but upon the general principles upon which the magistracy was thenceforth to be regulated.

A Noble Lord differed from the noble and learned Lord as to the position in which those gentlemen were placed who were excluded from the magistracy. He conceived, that the greatest injury and injustice were thereby inflicted on them. The noble Lord said, that there was but little difference between the course at present pursued and that adopted on a former demise of the Crown by the then existing Government. Now, he begged leave to say, that there was all the difference possible; for in the latter case the lords-lieutenant of counties, who possessed actual knowledge and information on the subject, and who had time to acquire it if they had not, were applied to in the first instance by the Government to furnish a list, whereas in the present case the Government with a total absence of knowledge in reference to many of the counties, issued commissions giving the greatest dissatisfaction and discontent. He had heard the speech of the noble Marquess opposite he confessed, with regret. He thought, that a more serious tone might have been adopted by the noble Lord on a point which he might term trifling, but which the magistrates of Ireland felt as a painful indignity. In the King's County he found that six clergymen had been excluded, who, he believed, as well as clergymen generally, undertook the magisterial office with great regret, and only through a paramount sense of the duty they owed to their country. The rev. Mr. Coote brother of one of the Members for the Queen's County, had been excluded from the commission issued for the King's County. That rev. gentleman's name, however, was continued in the commission for the Queen's County and attended the sessions held in Portarlington for that county. Now, it happened, that part of the town was in the King's County, and the county sessions likewise held there, so that while the rev. Mr. Coote could sit in court as a magistrate for the Queen's County, he could not try those cases which belonged to the King's County. This was a strong instance of the consequence of the departure on the part of Government from the former usage. Then, again, the principle laid down in the case of the Messrs. Holmes had not been fully carried out in other instances, for in one noble family, four persons had been left in the commission, and one of those had been introduced into the commission for King's County for the first time, though he held no property there (unless it were in right of his father), and seldom, he believed, came thither. There was another case of two gentlemen who had been removed, one of whom had been in the commission no less than forty-five years, and he found, that the names of four gentlemen were substituted for those two in the revised list, of whom three had been dead five or six years.

The Earl of *Glengall* said, that all the inconvenience and annoyance which had been caused to the magistracy of Ireland by this step of the Government, had its origin in the circumstance, that proper means had not been taken to obtain the best evidence and information on the subject. Another instance of the precipitation with which Government had acted on this occasion had come to his knowledge in the case of the county of Tipperary, the Lord-lieutenant of which, like the noble Earl (the Earl of Wicklow), had not had time to reply to the circular letter of the Lord Chancellor; for, while he was engaged in making inquiries, in pursuance of the directions there given, and before he could bring those inquiries to a close, the revised list of magistrates was published in the newspapers, and certainly those persons whose names were omitted from it, did consider, that a very great stigma was thereby fixed upon them. If he had understood the noble Marquess right, he stated, that persons were written to for information before the new lists were made out. Now, as the Government had not applied for this information to the Lords-lieutenant of counties, although they would legally and naturally be the persons to whom Government should apply, he thought it was natural for him to ask the noble Marquess to whom it was that Government did apply for this information? With respect to the omission of clergymen from the commission, he would say, at once, that he saw no harm in that. He knew very many instances in which the clergy were desirous of being exempted. But he would also say—and knowing well, as he did, the peasantry of Ireland, he was able to say it—that no class of the people would more deeply regret the omission of the Protestant clergymen from the commission of the peace, than the Roman Catholic peasantry of Ireland, because the Protestant clergymen on the bench were accustomed to pay the greatest attention to the settlement of their quarrels, and give them every possible assistance in the management of their affairs.

The Marquess of *Normanby* said, the information on which the Government had acted was the best which the legal advisers of the Crown could find.

The Earl of *Roden* said, Mr. Holt Waring was a private friend of his, and the noble Marquess having stated, that it was not yet determined whether he should be retained in the commission or not, he would say, that if he were not, the loss would be to the country, and not to him. He believed, no man of a more upright mind ever filled a public station, and, though at a remote period, he might have been of strong party politics, he never suffered feelings of that nature to influence him on the bench. With respect to the case of Mr. Trevor Corry, he was well acquainted with that part of the country, and ever since it had been known that

that gentleman was to be removed from the magistracy, the greatest regret had prevailed there. On the question of clerical magistrates, he entirely coincided with the Government. He thought clergymen ought only to be appointed magistrates in those cases where it was absolutely impossible to find others in the county, or where clergymen having had large properties left them, might have retired from the pursuits of their profession. On the whole, he trusted, that the views stated by the Lord-lieutenant, in his letter to the Lords-lieutenant of counties, would be fairly carried out; and that the country might eventually have cause to rejoice at the improvement.

The Marquess of *Normanby* wished to state, that upwards of 700 magistrates had been excluded from the new list, and representations had not been made in more than thirty cases out of that number.

Motion agreed to.

HOUSE OF LORDS,

Wednesday, July 4, 1838.

Minutes.] Bills. Received the Royal assent:—Sugar Duties; Vacations Sittings; Freemen's Admission; Sodor and Man Bishopric; and Private Bills.

HOUSE OF COMMONS,

Wednesday, July 4, 1838.

Minutes.] Petitions presented. By Sir C. Style, from Medical Practitioners in Ireland, in favour of the Medical Charities (Ireland) Bill.—By Mr. M. Philips, from a Congregation in Manchester, against any further Endowment to the Church of Scotland.—By Lord Powerscourt, ffom Bath, against any further Grant to Maynooth College.

Observance of the Sabbath.] Mr. *Plumptre* moved, the House resolve itself into Committee on the Lord's Day Bill.

Mr. *Jervis* was anxious to ask a question as to the course which the House was about to take with this bill before they went into Committee. When the bill was last in Committee, he had endeavoured to introduce a clause respecting the employment of servants on the Sabbath-day. He wished to know from the chair, whether in Committee it would be competent for him to move a clause to prevent the doing or causing of labour on the Sabbath. His object was, that whilst the rich man escaped, the poor man should not be punished. He had this bill in his mind las Sunday, whilst he was walking down Pall-mall, and was very much shocked to find, that the club-houses were more actively employed on that day than on any other. It was a pleasing contrast to visit the other end of London, and to find all the shops shut, and the tradesmen enjoying some innocent amusement. If, then, they were to legislate for the observance of the Sabbath at all, he was anxious to know, whether it would be competent to him to move in Committee to alter the title of this bill, and to insert a clause to prevent labour, and the causing of labour, on the Lord's-day.

The *Speaker* said, that this was a bill for the suppression of trading on the Lord's-day, and, therefore, it certainly appeared to him, that according to the title of the bill, no restriction could be placed upon what was done in private families, as contradistinguished from persons in trade. He did not know, that they might not extend the bill so far as to say, that it was a bill for the suppression of trading, and of labour for hire. The word "hire" would raise the whole class of cases to which the hon. and learned Member had alluded.

Mr. *Hume* said, he should like to know, whether trade was not carried on at the club-houses, Brookes's and White's for instance. In those places, persons receiving refreshment, paid certain sums, and those sums were paid to the individuals who kept the houses for their own benefit. He wished to know, if the hon. Member (Mr. Plumptre) meant to admit of such proceedings, and yet to prevent a few nuts or a glass of ginger-beer, from being sold to the humbler classes. If so, it was sheer hypocrisy. He wished to see the higher ranks set a good example to their humbler fellow-subjects. This would answer much better with the mass of the population than coercion. Instead of restricting, they ought to enlarge every means by which the working classes might enjoy some innocent recreation on the Sabbath. He should move, that the bill be taken into consideration this day three months.

Mr. *T. Attwood* hoped, the hon. Member (Mr. Plumptre) would withdraw the bill.

Mr. *Plumptre* appealed to the House, whether he was in a situation to withdraw the bill after the support it had received on the one hand, and the opposition it had met with on the other. He felt it his duty to carry the bill as far as he could; but at the same time, he was ready to meet fairly and honestly any objections that might be made to it.

The House divided on the original Question,—Ayes 45; Noes 57: Majority 12.

List of the Ayes.

Acland, Thos. D.
Alsager, Captain
Baines, E.
Barrington, Lord
Blandford, Marquess
Boldero, H. G.
Briscoe, J. I.
Broadley, H.
Burroughes, H. N.
Cavendish, hon. G. H.
Cayley, E. S.
Gaskell, J. M.
Henniker, Lord
Hinde, J. H.
Hodgson, R.
Hughes, W. B.
Jackson, Sergeant
Jermyn, Earl
Kemble, H.
Lascelles, hon. W. S.
Mackenzie, T.
Marsland, T.
Morpeth, Lord
Nicholl, J.
Pease, J.
Perceval, Colonel
Pringle, A.
Pusey, P.
Richards, R.
Rushbrooke, Col.
Sandon, Lord
Sheppard, T.
Sinclair, Sir G.
Smyth, Sir G. H.
Stewart, J.
Stuart, V.
Style, Sir C.
Teignmouth, Lord
Turner, E.
Vere, Sir C. B.
Vernon, G. H.
White, A.
Williams, W.
Winnington, T.
Wood, Col. T.

TELLERS.

Plumptre, J. P.
Acland, Sir T.

List of the Noes.

Aglionby, H. A.
Attwood, T.
Barnard, E. G.
Berkeley, hon. C.
Bewes, T.
Blake, M. J.
Blake, W. J.
Brotherton, J.
Browne, R. D.
Butler, hon. P.
Collins, W.
Crawford, W.
Divett, E.
Duckworth, S.
Duff, J.
Easthope, jun.
Elliot, hon. J. E.
Evans, G.
Fielden, J.
Finch, F.
Fitzroy, Lord C.
Grote, G.
Harvey, D. W.
Hawes, B.
Hayter, W. G.
Hector, C. J.
Hutt, W.
Hutton, R.
James, W.
M'Taggart, J.
Marshall, W.
Maule, F.
Melgund, Lord
O'Connell, M. J.
O'Conor, Don
Paget, F.
Parker, J.
Pattison, J.
Pechell, Captain R.
Roche, W.
Rolfe, Sir R. M.
Rundle, J.
Salwey, Colonel
Sibthorp, Colonel
Stanley, E. J.
Stansfield, W. R. C.
Strutt, E.
Thornley, T.
Turner, W.
Villiers, C. P.
Warburton, H.
Ward, H. G.
Williams, W.
Wilshere, W.
Wood, Sir M.
Worsley, Lord
Yates, J. A.

TELLERS.

Hume, J.
Jervis, J.

Bill put off for three months.

Sheriff's Courts Bill.] The *Solicitor-General* moved the third reading of the Sheriffs' Courts (England) Bill. In support of the principle of extending the operation of these courts, he observed, that out of 948 cases which had been tried under the new system, there had been only thirty-six new trials. The former bill which had been introduced on this subject, proposed to extend the operation of the Sheriff's Courts to all descriptions of civil actions; in the present bill, however, it was proposed still to restrict their operation to cases of debt, but to extend them to amounts of 50*l.* instead of 20*l.*

Mr. *Jervis* opposed the third reading of the bill. It had been stated, that the judges had approved of this bill, but so stated, he had reason to believe, without sufficient authority. Some of the judges might approve of it, but there was no doubt, that all those judges whose opinions on such a subject were entitled to most weight, were, with a single exception, opposed to the bill. He knew the history of the bill very well; it was originated by an attorney at Brighton, who wished to practise in the Sheriff's Courts, either by himself or his clerks. When the bill was last year under discussion, he moved a clause that no case above the value of 20*l.* should be tried before a barrister of less than three years standing. This clause was agreed to, and considered a great improvement of the bill; but, in consequence of it having been omitted to provide for the payment of the barristers so engaged, the bill was postponed. With respect to the argument of the Solicitor General in favour of the new system, because out of 948 cases, only thirty-six new trials had been granted, that argument bore in his mind very little weight, because it was well known, that there was a standing rule in the courts not to grant a new trial in any case where the matter in dispute did not amount to 5*l.* Innumerable instances of abuse, however, occurred, which were never heard of; and to show the way in which the system was liable to abuse, he would state that, in three cases in the appeals from which he was engaged, the attorney for one of the parties, being the under-sheriff of the county, had tried the cases himself. He was convinced, that if they were to throw out this bill they would be doing a benefit to the profession certainly, but at the same time a great act of justice to the public at large, and he would therefore move that this bill be read a third time this day six months.

Mr. *Aglionby* seconded the amendment. So far from the country calling for an extension of the operation of these courts, there was a loud and general demand for the total abolition of the system.

Mr. *Harvey* approved of the bill, and contended that the new system had acted extremely beneficially. He had obtained a return which showed, that of every hundred thousand cases litigated, at least eighty per cent. were for sums not exceeding 50*l.* The principle of this bill was already acted upon by allowing claims for sums not exceeding 20*l.* to be tried in Sheriff's Courts. He had not heard any complaints from the mercantile or trading community against the working of that bill; and the only reason why the present bill for an extension of the jurisdiction was opposed was, because it tended to lessen the fees of those whose notions of justice always exactly corresponded with the amount which they received for their services in its vindication. He supported the bill, then, because its principle was confirmed and established by experience, and because it had received the sanction of the solemn and sufficiently slow judgment of the legal authorities of the other House, from whom it came recommended.

Mr. Sergeant *Talfourd:* His objection to the bill was, not that it gave an inadequate tribunal, but that it dispensed with a judge altogether. In reference to the calculation of the hon. Member for Southwark as to the number of causes in which the sums claimed amounted only to 50*l.* he would remind him, that though there were 100,000 writs issued in the course of the year, not more than 3,000 causes came to trial. Why was this? Because where the judgments were enlightened and unbiassed, and where the rules were clear and certain, parties did not speculate on the incompetency of the judge or his partiality, but were compelled, as it were, to take the course which strict legal principles required. He believed the balance of the advantages over the disadvantages of the present system was much in favour of suitors; and although the expense of the present mode of proceeding might be greater, he preferred it to a change under which a greater number of cases must be brought to trial, more litigation encouraged, evil passions longer prolonged, and decisions infinitely less certain pronounced He hoped the Members of his profession would always be found ready to agree to proper amendments of the law, but he trusted they would be equally forward to resist all rash innovations.

Mr. Sergeant *Jackson* observed, that no greater evil could be inflicted on this country than to intrust the decisions of four-fifths of the cases which were litigated to an incompetent person.

The House divided on the original question—Ayes 54: Noes 23—Majority 31.

List of the AYES.

Attwood, T.
Barnard, E. G.
Bewes, T.
Blackett, C.
Blake, M. J.
Bodkin, J. J.
Briscoe, J. I.
Brotherton, J.
Butler, hon. Colonel
Cayley, E. S.
Duckworth, S.
Evans, W.
Finch, F.
Grimsditch, T.
Grote, G.
Hall, Sir B.
Harvey, D. W.
Hawes, B.
Hector, C. J.
Hodges, T. L.
Hume, J.
Hutt, W.
Hutton, R.
Jervis, S.
Marshall, W.
Martin, T. B.
Maule, hon. F.
Morris, D.
Muskett, G. A.
O'Conor, Don
Ord, W.
Parker, J.
Pattison, J.
Pease, J.
Pechell, Captain
Philips, M.
Rundle, J.
Salwey, Colonel
Smith, B.
Stanley, W. O.
Stewart, J.
Strutt, E.
Style, Sir C.
Turner, E.
Turner, W.
Vivian, J. E.
Walker, R.
Warburton, H.
Ward, H. G.
Williams, W.
Williams, W. A.
Wood, Sir M.
Wood, G. W.
Yates, J. A.

TELLERS.
Solicitor-General.
Villiers, C. P.

List of the NOES.

Aglionby, H. A.
Attwood, W.
Bailey, J. jun.
Blakemore, R.
Blandford, Marq.
Cole, Viscount
Crawford, W.
Fielden, J.
Follett, Sir W.
Harcourt, G. S.
Henniker, Lord
Hobhouse, T. B.
Hodgson, R.
Jervis, J.
Kemble, H.
Knatchbull, hn. Sir E.
Marsland, T.
Nicholl, J.
Perceval, Col.
Richards, R.
Sibthorp, Colonel
Smyth, Sir G. H.
Worsley, Lord

TELLERS.
Jackson, Serg.
Talfourd, Serg.

Bill read a third time and passed.

HACKNEY CARRIAGES—METROPOLIS.] Sir Matthew Wood moved the third reading of this bill, Mr. *Hawes* suggested, that there ought not to be a special officer appointed to try offences under this act, when officers already existing were sufficiently numerous to take cognizance of those offences, and he hoped the House would not consent to it. He was exceedingly surprised, that Government had given its sanction to such a proposition.

Mr. *Fox Maule* said, it was his intention to vote for the third reading. Government had not given any very active support to the hon. Baronet in promoting this bill; but most certainly they had not thrown any discouragement in the way of his very laudable endeavours on this subject. He thought, that bringing the whole of the management of the public carriages of the city under one office would be a great public advantage.

Mr. *Warburton* hoped, if his hon. Friend persisted in carrying this bill, that he would be held responsible for all the complaints and accidents that might hereafter happen. He believed, that the existing evils would remain in full force, and even in an aggravated degree, if the present bill should pass.

The House divided:—Ayes 60; Noes 13: Majority 47.

Bill read a third time.

Mr. *Pease* moved the following clause to be added to the bill,—"And be it enacted, that in every such carriage the number of passengers shall be painted or affixed in a conspicuous manner, both in the inside and on the outside of every such carriage, in such manner as shall be approved of by the registrar, or other officer to be appointed by virtue of this act, on pain of a penalty not exceeding twenty shillings, to be paid on conviction of neglect hereof, before any one of her Majesty's justices of the peace."

Mr. *Warburton* said, that the clause was so important that he should divide the House against it.

The House divided. Ayes 66; Noes 4: Majority 62.

List of the AYES.

Aglionby, H. A.
Archbold, R.
Baines, E.
Barrington, Viscount
Blackburne, I.
Blake, M. J.
Blandford, Marquess
Bodkin, J. J.
Bowes, J.
Brocklehurst, J.
Brotherton, J.
Cayley, E. S.
Cole, Viscount
Crawford, W.
Crompton, Sir S.
Duckworth, S.
Dungannon, Viscount
Evans, W.
Filmer, Sir E.
Finch, F.
Grimsditch, T.
Harvey, D. W.
Hawes, B.
Hawkins, J. H.
Hinde, J. H.
Hobhouse, T. B.
Hodges, T. L.
Hodgson, R.
Hume, J.
Jackson, Sergeant
James, W.
Jervis, J.
Kemble, H.
Knatchbull, right hon. Sir E.
Langdale, hon. C.
Marshall, W.
Marsland, T.
Maule, hon. F.
Miles, P. W. S.
Morris, D.
Nicholl, J.
O'Connell, D.
O'Conor, Don
Parker, J.
Pattison, J.
Pechell, Captain
Perceval, Colonel
Philips, M.
Plumptre, J. P.
Redington, T. N.
Rickford, W.
Salwey, Colonel
Sibthorp, Colonel
Stanley, E. J.
Stewart, J.
Style, Sir C.
Talbot, C. R. M.
Turner, W.
Waddington, H. S.
Wallace, R.
Ward, H. G.
Williams, W.
Winnington, T. E.
Wood, G. W.
Worsley, Lord
Yates, J. A.

TELLERS.
Wood, M.
Pease, J.

List of the NOES.

Hutton, R.
Martin, J.
Smith, B.
Strutt, E.

TELLERS.
Thornley, T.
Warburton, H.

Bill passed.

BANKRUPTCY COURT.] The *Solicitor General* moved that the House go into Committee on the Bankruptcy Court Bill.

Mr. *Grimsditch* opposed the bill as objectionable on the ground of expense. It enabled the Lord Chancellor to establish roving commissions through the country, and when they were sent out, the commissioners were to be allowed 500*l.* a year, and they were to have a registrar with heavy fees. Now, in many of the country commissions the amount of estate was small, and would not be able to pay the 5*l.* necessary for each sitting. In addition to this, there were to be official assignees with salaries. He considered the bill so objectionable and the machinery to be so defective, that he would move, that the bill should be further considered that day three months.

Mr. *Crawford* concurred in the propriety of the part of this bill which would remove a large sum of money from the hands of the assignees, where it now remained undivided, and he did so in consequence of the good he had seen effected in London commissions, where more than a million of money had been divided in consequence of the searching powers given by the bill which Lord Brougham had introduced. It was not the intention of the bill to appoint official assignees in all cases of local fiats, but only to send commissioners to inquire into past commissions. Some of the details in the bill, however, were full of objection. He had been on a committee to inquire into this subject and the duties of the accountant-general, and who thought, that 1,000*l.* a year was an ample salary for the discharge of all the duties of the office, and he (Mr. Crawford) hoped, that no such call as that made by this bill for the increase of the salary would be acceded to. He would say, that one of the greatest evils of the Court of Bankruptcy arose in consequence of the inefficient individual appointed to keep the accounts. He had a great respect for the legal knowledge of the present accountant-general, but he had no respect for his fitness to discharge the duties to be performed by a practical mercantile man. By the bill, also, the commissioners sent into the country were to receive an additional 500*l.* a year, besides a sum for travelling expenses, at the discretion of the Lord Chancellor. Now, the suitors in the London court paid the whole expense, 45,000*l.* a year, and it was proposed at once to take these expenses out of the bankruptcy fund in London; but he would ask why the fund of the suitors in London was to be taxed for an experiment in the country? He thought, that ample means might be discovered for both purposes, but he objected to the mixing up circumstances hitherto distinct. He hoped, therefore, that no authority would be given by the House for carrying out the provisions of the bill, as it was then printed.

The *Solicitor-General* said, that the observations which had been made were rather objections to be considered in Committee than to be discussed in that stage of the bill. He admitted, that the great object of the bill was, to investigate the bankruptcy proceedings in the country, for which the fifth clause was intended. In favour of some such arrangements many petitions had been presented, stating the crying evils which now existed; and since he had been in the House a representation from a different part of the country had been put into his hands. But two circumstances they were entitled to assume in this case:—Whether in London or in the country were they to presume the proceedings were best conducted? In London, where they were under the eye of the public, or in the country, where they were in secret? The presumption was in a great degree against the country, where it must be assumed, that the abuses were the greatest. In London, however, where the system had been altered, what proof had they of abuses? The hon. Member for the City had said, that more than a million of money had been received from the assignees; but he (the Solicitor-General) believed, that nearly two millions had been got in. When Lord Eldon first received the great seal he complained of the great abuses of the country commissions. He thought, that, on this ground alone, they were entitled to say, that this bill was good. He denied, that, in practice, the official assignees were a burden on the creditors. Why, in 1835, in London the expenses of the assignees amounted to 16,000*l.* or 17,000*l.* But, in the same year, 6,000*l.* was got in by them in small debts under 40*s.*, and 10,000*l.* in debts above, but under *5l.* Now, every one acquainted with the working of these matters would know, that it was highly improbable that these small debts would have been got in except by the stimulus afforded to the exertions of the official assignees. Thus, in fact, although the creditors paid the assignees, they derived more than commensurate benefit from their exertions. Now, the object of this bill was, to appoint commissioners to go down to certain districts to investigate the state of bankrupts' estates, and to appoint official assignees where such seemed requisite, and in no other cases. If the getting in large sums by these means was an important object, surely the fact of its involving patronage ought not to prevent the adoption of the plan. The bill only appointed two commissioners, in addition to two London commissioners, who were to be sent down if they thought fit to go. He trusted the House would not refuse to go into Committee.

Sir *W. Follett* agreed with his hon. and learned Friend in respect to the abuses which existed in London under the old bankrupt law, and the advantages which had resulted from the appointment of official assignees, and that it was desirable that the same system should be extended to the country. But the bill did not do that. The important part of it was the appointment of country commissioners, and the machinery for this was extremely defective. The bill did not profess to apply prospectively to future commissions. Then what did the bill intend to do? It sent persons with a roving commission with powers extremely objectionable. Assignees and solicitors, where the accounts of estates had been closed, might be summoned before the commissioners, examined in the most inquisitorial manner, and even committed by these commissioners, who were to be appointed by the Lord Chancellor, with salaries of 1,200*l.* a-year, with registrars at 500*l.* a-year. The commissioners were not limited as to time; they might summon any solicitor or assignee before them, and all they had to do was to report to the Lord Chancellor. There was no power to appoint official assignees at all prospectively. All the bill did was to grant these powers to the Lord Chancellor and to the commissioners, to find out assets of bankrupts' estates. He should support the amendment.

Mr. *Harvey* said, the object of the bill was excellent, but the machinery bad. As there was no pressing necessity, it it would be better to postpone the bill, that it might undergo revision: He agreed with the Solicitor-General that estates in the country required the searching revision which existed in London. But the bill should be confined to that; and he did not see why commissioners should be appointed with salaries of 1,200*l.* a-year. The object seemed to be to confer unnecessary patronage on the Lord Chancellor. It somehow happened that Session after Session saw additional patronage given to the Lord Chancellor and to the other judges. After so many other measures had been deferred till next year on account of the advanced state of the Session, he thought that it would be the most prudent plan not to proceed with this, when so much good might be gained from reflection. He had heard nothing from the Solicitor-General which induced him to believe, that any real inconvenience would result from the postponement of the measure, which had been introduced and framed with more of precipitancy than judgment, and he therefore hoped, that the hon. and learned Gentleman would not press it this Session.

Mr. *A. Yates* trusted, that the Solicitor-General would accede to the suggestion of the hon. and learned Gentleman who had just sat down, and postpone the bill till next Session. He objected to inquiries into bankruptcies which had been wound up and settled forty or fifty years ago. He objected also to the whole system of centralization contemplated by the bill, and he should certainly vote against it.

The House divided on the question, that the Speaker do leave the chair:—Ayes 37; Noes 28: Majority 9.

List of the AYES.

Archbold, R.
Baines, E.
Bowes, J.
Brocklehurst, J.
Brotherton. J.
Crawford, W.
Evans, W.
Finch, F.
Handley, H.
Hastie, A.
Hobhouse, T. B.
Hodges, T. L.
Hutton, R.
Jervis, J.
Lefevre, C. S.
Marshall, W.
Martin, J.
Morris, D.
O'Connell, D.
O'Coner, Don
Parker, J.
Pattison, J
Pease, J.
Philips, M.
Redington, T. N.
Rolfe, Sir R. M.
Rundle, J.
Salwey, Colonel
Stewart, J.
Style, Sir C.
Thornely, T.
Wallace, R.
Warburton, H.
Westenra, hon. H. R.
Winnington, T. E.
Wood, G. W.
Worsley, Lord

TELLERS.

Maule, hon. F.
Hawes, B.

List of the NOES.

Aglionby, H. A.
Bagge, W.
Barrington, Viscount
Blandford, Marq. of
Broadley, H.
Cole, Viscount
Darby, G.
Duckworth, S.
Dungannon, Viscount
Fector, J. M.
Filmer, Sir E.
Harvey, D. W.
Hinde, H.
Hodgson, R.
Hume, J.
Jackson, Sergeant
Knatchbull, hon. Sir E.
Marsland, T.
Miles, P. W. S.
Nicholl, J.
Perceval, Colonel
Plumptre, J. P.
Sibthorp, Colonel
Sinclair, Sir G.
Talbot, C. R. M.
Turner, W.
Williams, W.
Yates, J. A.

TELLERS.

Follett, Sir W.
Grimsditch, T.

The Bill committed, and the House resumed.

HOUSE OF LORDS,

Thursday, July 5, 1838.

MINUTES.] Bills. Read a second time:—Charitable Estates Administration; Suitors' Money; Affirmations; and Forms of Pleading.

Petitions presented. By the Bishop of LONDON, from

Chester, against Pluralities.—By the Duke of RUTLAND, from the Guardians of the Poor of the Union of Bingham, Nottingham, in favour of the New Poor-law.—By Lord BROUGHAM, from Little Marsden (Lancashire), for a system of National Education.—By the Earl of CARLISLE, from Carlisle, against attendance on Idolatrous Worship in India.—By the Earl of ABERDEEN, from Writers to the Signet (Scotland), to be allowed to practice in the Sheriffs' Courts.—By the Bishop of DURHAM, from Tynemouth, for the Better Observance of the Sabbath.

SALE OF BEER ACT.] Lord *Brougham* had to call their Lordships' attention to a petition from a body of the first respectability—he meant the magistrates, members of the town-council, clergy, guardians of the poor, bankers, merchants, traders, and others, of the city of Bristol, amounting in number to above 1,000 persons, and they earnestly implored their Lordships, without delay, to put an end to the present beer-shop system, declaring that it had already done incalculable mischief, and expressing their opinion, that if the nuisance were allowed to continue any longer, the most demoralizing results must flow from it. He was not at all surprised, that magistrates, clergymen of the Established Church, dissenting ministers, schoolmasters, in short all those who were necessarily the guardians of the morals of the community, should thus agree in entreating their Lordships to put an end to this crying evil. He was, it should be observed, an advocate for a beer bill—not, indeed, for that which the Legislature had passed, and which allowed beer to be consumed on the premises, which was the source of the mischief complained of; but of his own measure, which forbade in express terms the drinking of beer on the premises. He had no objection whatsoever to beer being sold in houses licensed for that purpose, and to be carried away for consumption at home. His wish was, not to prevent beer from being sold in the same way as bread, cheese, or butter, was sold at the chandler's shop, but he was opposed to allowing beer to be drunk on the premises, because, if a man sent his daughter or his servant girl for beer to a place where a promiscuous company were in the habit of assembling, or if he went himself, the scenes exhibited there were likely to lead to demoralizing effects. He, therefore, had objected to the beer bill which their Lordships had passed. The noble Duke, who was at the time in office, knew that he had strenuously exerted himself to prevent the passing of the bill. But soon afterwards, when a call was made for its repeal, he said "No; a considerable amount of property has been embarked in this trade in consequence of the new law. Let its operation, therefore, be fairly tried." Besides, he was not friendly to the principle of legislating one day, and undoing that legislation on the next. But how stood the matter now? Why, eight years had elapsed since the bill was passed. He had narrowly watched its operation, and he could truly say, that each year's experience more and more confirmed his original objection to the measure. He should now, therefore, lay on their Lordships' table a bill to repeal the 11th of George 4th, and which, while it did not prevent the sale of beer on certain premises, contained provisions by which that sale should be regulated, and which also prevented the drinking of beer on such premises. He should now move, that the bill be read a first time.

The Duke of *Wellington* said, that at the time when the bill to which the noble and learned Lord alluded was passed, the measure was recommended by many considerations, one of which, and that a principal one, was, that it was calculated to put an end to what was called the brewers' monopoly. Therefore it was, that the measure had been adopted. As, however, it had been found not to operate beneficially, he had uniformly supported every measure which had been introduced for its improvement. With reference to another act relative to which much controversy existed—he meant the act for the amendment of the poor-laws—he might be allowed to state, that, since the passing of that act, there were not near so many beer-houses in existence as before the amendment of the law, which had, so far, the effect of checking the evil. He agreed, however, with the noble and learned Lord, that it was most desirable that they should put an end to the system complained of, and from which it appeared much mischief had arisen. There was one point worthy of attention, of which, however, the noble and learned Lord was a better judge than he could pretend to be. The bill appeared to be connected with the revenue—and the question was, whether the measure proposed by the noble and learned Lord could originate in their Lordships' House? At all events, he thought it would be better if it originated in the other House. Still he could plainly state, that, wheresoever it came from, when it was discussed before their Lordships he should give it every support in his power. He believed, that the adoption of the bill complained of had been the cause of very great evil.

Lord *Brougham* said, that what the noble Duke had stated, and which he had heard with unfeigned satisfaction, had rung out the judgment of death on the beer act. Sentence was passed upon it, and was only respited until certain forms could be gone through. What had occurred that evening would operate as a notice to individuals not to take out licences, or to embark capital in a vessel which must very speedily sink.

Bill read a first time.

PRISON DISCIPLINE.] Lord *Brougham* wished to know whether his noble Friend had any objection to laying before the House certain information with reference to the treatment before trial of persons confined in the gaol of Newgate? The Act of the 3rd and 4th of George 4th, commonly called the Gaol Act, made special provision for those persons. It set forth, "that all such prisoners should be allowed as much air and exercise as were necessary for the preservation of their health." But he was informed, that they were confined three-and-twenty out of the four-and-twenty hours, and that during the remaining hour they were compelled to walk in a circle round the yard. That, he supposed, was called giving them air and exercise sufficient for the preservation of their health. They were also confined separately (which he called solitary confinement) in apartments ten or twelve feet long, and six or seven feet wide, without fireplace or chimney, for the whole day and the whole night, except the one hour to which he had adverted. The Act further said, that due provision should be made for the admission, at proper times and proper seasons, of their friends and relations. Now, he understood that, on Thursday and Saturday they were allowed to see one person each, and that person for only a quarter of an hour. How was it possible, that, in so short a time, a prisoner could be able to prepare his defence? He wished to know whether his noble Friend had any objection to produce any information he possessed with respect to the manner in which the provisions of the 3d and 4th of George 4th, commonly called the Gaol Act, had been complied with.

The Marquess of *Lansdowne*, before he gave an answer to the question, wished to have an opportunity of communicating with the Home Office on the subject, with a view that the information desired, should be as complete as possible. He concurred with the noble and learned Lord, that there was no subject more deserving the attention of Parliament than the distinctions to be observed in gaols between persons unconvicted, but committed for trial, and persons after conviction.

The Earl of *Ripon* observed, that the noble and learned Lord did not appear to be aware of an act passed some few years since, after a committee of this House, at great pains, had gone minutely into the subject of the treatment of prisoners before and after conviction. Though he (the Earl of Ripon) did not pretend to know the rules of the gaol of Newgate, yet that committee had inspected the prisons of the metropolis and its vicinity, and the principal object of their report, upon which the act to which he adverted was founded, was to bring about an uniform system in the treatment of all prisoners in every gaol in the country. He, therefore, thought, that, to understand this subject properly, it would be necessary to furnish the House with more information than the noble and learned Lord had moved for, because the statute which he (the Earl of Ripon) had mentioned, gave to the magistrates, jointly with the Secretary of State for the Home Department, powers of making regulations for the internal management of the gaols within their jurisdiction, with reference to both classes of prisoners—viz., those before trial, and those after conviction. With regard to separate confinement of untried persons, the committee in their report, had pressed the adoption of that system, on the ground that it got rid of one of the greatest possible evils of prison discipline—the indiscriminate admixture of all sorts of persons before trial. If the noble and learned Lord would turn his attention to the evidence taken before that committee, he would find, that prisoners in great numbers who had been confined in the metropolitan gaols, as well as those who had been confined in county prisons, all expressed the greatest horror at the indiscriminate admixture of all sorts of persons before trial, and the consequence was, that separation had been recommended with a view to avoid and prevent the dangers of the contamination of innocent people.

Subject dropped.

Canada.] Lord *Ellenborough* rose and said, that it would perhaps suit the convenience of the House if he now put a question relative to the Canadian affairs to the noble Baron at the head of the Colonial Department, of which he had given notice a few nights ago. It would also be convenient, that, before he put the question to the noble Baron, he should state to the House the law as it stood under the Act of Parliament passed at the commencement of the present Session. By the first clause the statute of 31 Geo. 3rd, chap. 31, which provided for the calling together a Legislative Council for the affairs of the province of Lower Canada, in so far as that statute constituted a Legislature or related to the powers and functions of the bodies composing that Legislature, ceased to be in force. By the second section it was rendered lawful for her Majesty, by any commission or commissions to be from time to time issued under the great seal of the United Kingdom, or by any instructions under her Majesty's signet and sign manual accompanying any such commission, to appoint or to authorise the governor of the said province of Lower Canada to appoint from time to time such a number of legislative councillors for the said province of Lower Canada as to her Majesty shall seem meet, and to make such provision as to her Majesty shall seem meet for the removal, suspension, or resignation of any such legislative councillors. By the third clause of the Act of the present Session a part of the functions and authority before enjoyed by the governor and Legislative Council was delegated to the governor, in conjunction with the special councillors appointed under the statute in the manner prescribed by the preceding section. Their Lordships would, therefore, see that this Act granted no additional powers to the governor of Lower Canada, but merely altered his position with respect to the House of Assembly, and it was evident, therefore, that the whole character of the measure and its effects would depend upon the Special Council, which might or might not be as good an instrument of legislation as the House of Assembly, which, by the Act, was annihilated. That council might make laws as good as those of the House of Assembly, and though it might not be of popular origin, still it afforded some means of control over the Government. On the other hand, however, it might become a mere instrument in the hands of the governor, who might thus be raised to that which had neither been intended nor expected by Parliament —namely, the absolute governor of Lower Canada. What he, therefore, had to ask the noble Baron was, whether he had any objection to show to Parliament the manner in which they had exercised the trust confided to them by placing upon the table copies of the commission under the great seal, or the instructions under her Majesty's signet, which were required by the second section of the statute which he had read. He did not ask for the instructions sent to the Earl of Durham, as to the manner in which generally he was to execute the trust reposed in him as Governor-general, because the noble Baron opposite had been ready to place an extract of his despatch, dated from Great George-street, Westminster, in January last, and directed to Lord Durham somewhere near the Park, four months before he went out: he had no desire for those instructions *in extenso*, but he did wish to have the instructions issued under the sign manual, or the commission under the great seal, directing what was to be done, in respect of the appointment of the Special Council. It was essential to know the constitution of this council, and he therefore trusted the noble Baron would have no objection to lay upon the table of the House copies of the commission under the great seal, or the instructions under the royal signet, issued pursuant to the second clause of the Act to the Earl of Durham. He also desired to be furnished with a copy of the commission to the Earl of Gosford, in order that he might compare the difference of the powers conferred upon each of those noble Lords, and he thought it would also be desirable that the House should be supplied with a copy of the *mandamus*, warrant, or form of appointment of the members of the existing Executive Council.

Lord Glenelg was understood to acquiesce in the motion.

The Earl of *Ripon* inquired how far the commission issued to the Earl of Durham empowered him to act, in respect to the other colonies of Upper Canada, Nova

Scotia, and New Brunswick. He found that the Legislative Assembly of Nova Scotia had come to certain resolutions solely and exclusively affecting that province, and had so far condemned the proceeding of her Majesty's Government, as to send a deputation of their own body to Quebec, to confer with the Governor-general of Canada. Now, he was not aware, that at the passing of the Canada Bill, it was intended to intrust the Governor-general of Canada with any authority whatever, to deal with the constitutional forms of other colonies. It was true, that the commission to the Earl of Durham gave to that noble Lord general powers, but those powers could not be executed without great confusion, and a conflict of authorities, in the different North American colonies. He therefore thought it of importance to know how far the commission of the Earl of Durham authorized him to enter into a communication with the separate branches of the Legislatures of other colonies.

Lord *Glenelg* replied, that the Earl of Durham's commission gave him general power over the other North American colonies besides Canada. Those powers, he admitted, were larger than any usually given to governors. He had, however, expressed his readiness to produce the commission, and he thought it would be most convenient to postpone any discussion upon it until it was before the House.

Lord *Ellenborough* said, that the commission of Lord Durham was published in the *Quebec Gazette,* which he then held in his hand, and therefore might be seen by every noble Lord. He (Lord Ellenborough) had another question to put to the noble Baron, on a point which eventually might have an important bearing on the financial condition of Lower Canada. He begged to ask the noble Baron, whether the proclamation published in the *Quebec Gazette,* under the authority of Lord Durham, offering a reward of 1,000*l.*, was, in point of fact, authentic. The proclamation to which he (Lord Ellenborough) alluded was in these terms. After stating the fact of the destruction at midnight, within the territory of the United States, of a certain steam-vessel, called the Sir Robert Peel, it thus proceeded—“ Now, know all men by these presents, that I do hereby promise the sum of 1,000*l.* to any person or persons who shall identify, and bring to conviction before any competent tribunal, any person actually engaged in or directly aiding and abetting the perpetration of the said last-mentioned outrage.” Now it appeared that thirty persons had been engaged in the transaction, each of whom might be identified and proved to be guilty, by different witnesses; so that, under this proclamation, the noble Earl who had published it, might be called on to dispense 30,000*l.*—a sum equal to the whole annual revenue of the Crown in that province. The American authorities had offered only a reward of 500 dollars for each of the two first offenders, 250 dollars each for the two next, and 100 dollars each for the remainder. Here was the difference between the magnificence of the Governor-general of a small province of 500,000 inhabitants, and the miserable parsimony of the American governor, presiding over a state comprising more than 1,000,000 inhabitants.

Lord *Glenelg.* The proclamation is authentic.

Lord *Brougham* said, that if he were to be counsel for any of the defendants, before any “ competent tribunal,” he would, on the cross-examination of the witness, ask him whether he did not expect to receive from a foreign (the English) nation a reward of 1,000*l.* for swearing a conviction. Had the Earl of Durham explained this matter in any despatch, or had the Government given any instructions upon the matter? He hoped that in either case the despatch or the instructions had been reduced to writing, and that the grotesque mode of communication by means of the *Quebec Gazette* and of the Downing Street Gazette would not be continued.

The Marquess of *Lansdowne* could not but observe, that after such an outrage as that to which the proclamation in question had reference, the Earl of Durham had done no more than his duty in adopting strong measures to discover the offenders. It was his duty to endeavour to secure the conviction of the persons engaged in the transaction, and in the exercise of the discretion reposed in him he had endeavoured properly to vindicate the honour of the country he represented. He (the Marquess of Lansdowne) submitted whether it was convenient, not to say courteous, thus to act on the first intelligence received of things done on the spur of the moment, and on the noble Lord's first reaching the seat of his government. There was no probability of any practical purpose being effected by now discussing Lord Durham's conduct, which, with its consequences, must come before the public at a proper and fitting time.

Lord *Ellenborough* not only thought this discussion convenient, but essential to the interests of the Canadas; where, for two full years, at least, the constitution was annihilated, and arbitrary and dictatorial power assumed in its place. It was the duty of the Imperial Parliament to be vigilant, for that vigilance alone could supply the want of that constitutional authority and that liberty which the noble Marquess opposite and his friends had taken away.

Lord *Brougham* said, that he, like the noble Baron who had just sat down, would not consent to bow to the lecture which had been attempted to be read to the House by the noble Marquess at the head of her Majesty's Privy Council. He must remind his noble Friend, that the answer made by him and his colleagues to the complaints which he (Lord Brougham) and others had raised against the atrocities of the measure, which took away the liberties of 500,000 of her Majesty's subjects, because some half dozen in a corner had been guilty of irregularities, or (if it so pleased the noble Marquess) had broken out into revolt, was, that those dictatorial powers, though given, would not be exercised, because the Crown advisers by whom those powers were conferred would be responsible to Parliament. He, on the discussions upon this measure had frequently been told to trust to the effects of publicity and the control of Parliamentary superintendence, and he had been taunted with the rebuke, that there would be, if circumstances called for it, parties ready enough to inquire into the proceedings which, under the new state of things, might take place in the Canadas. But the moment he did take notice of them, the moment he did avail himself of that very opportunity of exercising vigilance and of enabling their Lordships to superintend those proceedings, that which was before held to be his safeguard he was then told was most unreasonable, unconscionable, and unjust. The moment it turned out that any thing was done under the act, complaints of irregularity were made and the thing done was challenged as if inconsistent with the exercise of the powers of the act; to be sure, what other course was to be taken? The moment the thing was done was the very moment to interfere, and to ask how, and why, and on what grounds it had been done. But it was said, "Wait a little; wait for papers, and reports, and explanations." Why, that amounted to nothing more nor less than this—an absolute indemnity to all colonial governments and governors-general; so that a man might shut out the superintendence and vigilant control of Parliament, The course which he had pursued in reference to the noble Earl showed that he had no intention of severely watching and unnecessarily criticising anything when the government of Canada was first taken up by the noble Earl. If he had not, on past occasions, utterly denied, that the noble Earl was guilty of the charges brought against him, he had at least shown that he was influenced by no disposition to construe, uncharitably, the conduct of Lord Durham; and when his conduct, in reference to a certain appointment which he had made was condemned, when severe animadversions were pronounced on that appointment and conduct, her Majesty's Ministers were all mute on the subject. They who would not now suffer a word to be said animadverting in the slightest degree on the conduct of Lord Durham, because of his absence, three days ago suffered all the House in one voice to cry out against Lord Durham. Not one of them then stood forward in defence of the absent man; but he stood up in his defence. They would recollect how he had stated the case of Mr. Turton. He believed, that very many less invidious tasks had been undertaken by men in defence of absent friends than he undertook on that occasion, when he stated the extenuating circumstances of Mr. Turton's case. But did his noble Friend join him? Had he been so sensitive about the defence of those that were absent, then he would not have uttered a word. But his noble Friend at the head of the Government, did speak. He was now, unfortunately, absent; and, perhaps, he ought not to say one word about the course his noble Friend took; however, so far from extenuating Lord Durham's conduct, he joined in the reprobation, for he said, in strict terms, that he was surprised at the appointment which had been made, and deeply regretted it. At that moment it was, that he, because an absent man was attacked, deemed it to be his duty, painful as it was, to urge what he knew of the case and the circumstances upon their Lordships' attention, though he exposed himself to no little misconstruction—he might go further, and say risk, for misconstruction, unhappily, had followed. But he did so only because an absent man was attacked.

The Duke of *Wellington* wished to offer to the House a few words on the subject which had been again renewed in this discussion—namely, the great powers which had been intrusted to the Earl of Durham. He confessed, that he knew nothing of great powers intrusted to the Earl of Durham, except under an Act of Parliament passed at the commencement of the Session; but there was no extraordinary power in that act. There was, also, a sort of instruction previously given, and that went no further than to enable the Earl of Durham to make certain inquiries and reports on that very important subject—the future settlement of the government of Canada. But with respect to the direction and formation of the commission of inquiry, and other matters, he knew not, that the powers of the Earl of Durham were greater than those given to any other governor under similar circumstances. The Earl of Durham, however, had arrived at the seat of his government in Quebec, and he had performed certain acts in the execution of his duty. He thought the noble Earl had been intrusted with a very large discretion in relation to the future settlement of affairs in Canada; and he must look forward with considerable anxiety to the noble Earl's conduct, in consequence of what had occurred lately, which had been brought out by the diligence of his noble Friend near him (Lord Ellenborough), in the discussions which their Lordships had heard within the last few evenings. It was in that view, he considered, that these discussions were important; and when the noble Baron came to lay on the table of the House the instructions to the Earl of Durham, they would then see if he had these enormous powers, and whether he had exercised, with discretion, those enormous powers, to which the noble Lord had adverted. But up to that moment, that House, and Parliament, and the public, and himself, had no knowledge of any such enormous powers as were stated to be in the hands of the Earl of Durham.

The Marquess of *Lansdowne*, was certainly old enough to remember what were the powers conferred under the act; and he must say, that he could not recollect anything which justified the assertion that enormous powers were given to the Earl of Durham, by that act. If their Lordships would condescend to wait until the instructions to the noble Earl were laid upon the table, they would see what power had been given to him, and then they would be able to judge whether there were any grounds for the three days' censure which had been cast upon the noble Earl's conduct. The noble Baron had already seen enough in the conduct of the noble Earl to cause him to call his government arbitrary and unconstitutional; and he congratulated the noble Baron on the rapidity of his judgment; for the Earl of Durham arrived in Canada on the 29th of May, the vessels which brought home the accounts sailed only on the 3rd of June, and the despatches were dated on the 1st. Now, it was in the proceedings of those two or three days that the noble Baron discovered enough to make him say, that the government of the Earl of Durham was arbitrary and unconstitutional. If the noble Baron really thought so, it was his duty not to suffer a day to elapse without moving for an address to her Majesty, praying her to recall the Earl of Durham from his arbitrary and unconstitutional government. He did not think that the noble Earl would do anything as governor, which would deserve censure, or that his noble Friend would not be willing to defend.

Lord *Brougham* said, his noble friend the Colonial Secretary, had not yet answered one question; that was, whether in the instructions to Lord Durham the persons who were to form the Special Council had been specified, with the mode and manner of their appointment, without which it would not be valid, and they could not act. There was no Government unless both the persons appointed and the mode of their proceeding, with the manner of their removal and dismissal, had been specified.

Lord *Ellenborough* wished to observe, that although the noble Marquess had been kind enough to suggest the course he ought to pursue with reference to the governor of Canada, with all respect to that noble Marquess, he must decline acting on the advice of the noble Marquess, and he should continue to act on his own views, in conjunction with the suggestions of his noble friends. The noble Marquess might depend upon it that he would not be one moment after the proper time. The noble Marquess had put two epithets together, and imputed them to him, charging him with having called the Government of the noble Earl arbitrary and unconstitutional. Now first, as to its being an arbitrary Government, he would tell their Lordships why he had so called it. On the 14th of May last, the noble Baron was quite out of all patience at not receiving the names of the persons who were to be the members of the Executive Council, and he told Lord Gosford to name any five gentlemen he pleased, and at the same time warning him to take care what he was about; and he included *in extenso* the whole of the suggestions offered by him and the commission, saying that he was perfectly satisfied. What was the first of the recommendations with which he professed to be satisfied? "We are of opinion, that although not liable to be changed at the will of the Assembly, the Executive Council should be so composed as to secure as much as possible the confidence of the people." The third recommendation was this:—"Although the holding of offices under the Crown ought not to be a disqualification, yet the number of office-holders in the council should never exceed more, on the average, than one in four." His noble friend had stated last night, that the presence of so many office-holders in the council was one of the chief grievances of these Canadians, and yet the first act of the Earl of Durham was to dispense with the whole of this council, purified as it had been by Lord Gosford, and to appoint three secretaries, one of the principal aides-de-camp, and the commissary-general. That he did not hesitate to declare to be a sham council, and to appoint such a council showed an arbitrary disposition in the governor. As to the use of the term "unconstitutional," what he said was, that it was the duty of their Lordships, by their constitutional vigilance, to supply the absence of a constitutional government in Canada, because he could not consider that to be a constitutional government which was without the existence of any body derived from popular election.

Subject dropped.

THE MAGISTRACY.] The Earl of *Harewood* rose to move for certain papers relative to the appointment of magistrates, and he did so in consequence of a change in the system of introducing persons into the commission of the peace which had of late taken place in this country. He thought he had no right to go beyond what had come within his own experience and observation, although the subject was one of great and general importance. In stating that, he begged the noble Lord on the woolsack not to consider, that he was speaking in any spirit of hostility towards him. His wish was, to call the attention of the House to the change which had taken place in the administration of the law in connexion with this subject, in order that lords-lieutenant of counties might know the precise ground on which they were to stand. He confessed, that this was a subject of great delicacy, because it was quite clear that the Crown through the great seal had a perfect right to appoint magistrates. No one disputed it, and he did not wish that right to be taken away; but at the same time he desired to remind their Lordships, that there had been a custom which had grown into a habit, which was that of allowing lords-lieutenant to recommend persons to the great seal for admission to the commission of the peace. Latterly, as he had before intimated, a new custom had sprung up, which was productive of considerable inconvenience. In their respective districts, although not exactly responsible by law, lords-lieutenant were considered responsible for the conduct of the Members of their commission. Now, his object was not to diminish or to complain of the powers of the great seal, but he wished to draw attention to the exercise of those powers. It was no unusual thing to find rumours afloat, that such and such persons were likely to be introduced into the commission; and that they were made to understand, that if they would apply, probably their applications would be successful. The matter was then talked of more seriously: it found its way into newspapers, and, by-and-by, at the eleventh hour, down came a letter from the great seal to the lord-lieutenant, to know if he had any objection to those persons being inserted in the commission. Now, that was altogether altering the practice of past times, and the position of the lord-lieutenant, for very often he could not tell anything about the parties; and if he knew something of them, he might not like to state his grounds for objecting to them. He would state what had occurred in the borough of Leeds. He received a letter fromthe noble and learned Lord on the woolsack, in which the noble and learned Lord inquired, if he had any objection to the introduction of eight individuals into the commission of the peace. He happened to know that, for two months before, those persons were perfectly secure of their appointments—the fact had been stated in the public papers, and he had the very list of their names in his possession for full two months. His answer to that letter was, that he would resist such a mode of appointment as far as he could, because he would not establish the precedent of being placed in the position, as a lord-lieutenant, of adopting lists made up by other persons, without any previous consultation with him. He had sent up to the noble and learned Lord on the woolsack a list of names, which were approved, and the commission was then closed. But, notwithstanding the circumstances he had mentioned, and the communications which he had had with the noble and learned lord, the eight persons he had alluded to were introduced into the commission; and now, what was the situation of Leeds, that required such a great addition to the magistracy? Did Leeds require that such an addition should be made? He found, that already Leeds had twenty magistrates, fourteen of whom were resident in the town, and the remainder living close to it. And now as to the amount of business to be transacted. There were, on an average, about 200 cases in the year, and to dispose of these the magistrates only required to sit from half past one o'clock till four o'clock on the days of meeting. That was all the business to be done, and the whole amount of time required for its disposal; so that, in fact, the magistrates already in existence had very little to do. The number of magistrates previous to the addition were more than adequate to perform all the duty, and there was not the least necessity for increasing their number. For what purpose, then, were those eight gentlemen put into the commission? Ever since he had had the honour of being a lord-lieutenant, his anxiety had been never to allow himself to be swayed by political or party considerations, in determining what persons ought to be put into the commission, and he would appeal, not only to the noble and learned Lord, but to his own district, whether his appointments had ever been dictated by such considerations. But while he could conscientiously say, that political motives had never influenced him in his selection of magistrates, he could have no doubt that the eight gentlemen to whom he had alluded, had been introduced into the commission from party and political views, and for party and political purposes. He would venture to say, that the magistrates of the district, as well as the people, would, with scarce an exception, allow that such was the case, and it appeared to him that the unnecessary introduction of those eight gentlemen, after the private communications he had had with the noble and learned Lord, was contrary to the principle which he himself had laid down for the guidance of his own conduct, and that they were extremely open to objection. Believing that they had been introduced for party purposes, he should have felt himself dishonoured, and unworthy to hold his present situation, and that he should have betrayed the confidence reposed in him, if he had used the commission to forward the views of his party. Now, what he wanted to know was, what course was meant to be pursued in future; was all power to be taken from the lords-lieutenant, and was the Government to take the appointment of the magistrates solely into their own hands? He felt himself aggrieved, and he wished to state, that he objected to the course which had been pursued. A great change had been made in the mode of appointing the magistrates, and that change of system had placed the lords-lieutenant in a situation of very great difficulty. If it was the intention to supersede the power of the lords-lieutenant, they ought at least to be informed that such was the case, in order that the country might know with whom the responsibility rested. If the Government meant to dispense with the recommendations of the lords-lieutenant, it was highly necessary that that should be known, because the lords-lieutenant were at present held responsible, while it was the Government who made the appointments, and were therefore, in reality, the responsible parties. He wished, therefore, to know what the intentions of the Government were, and he hoped he should obtain a distinct explanation on the subject. In making these remarks, he wished particularly to state, that he had no charge to make against the noble and learned Lord on the woolsack, for he was convinced that the change of system did not originate with him. The noble earl concluded by moving for copies of the Lord Chancellor's letter of the 27th of January last, to the lord-lieutenant of the West Riding of the county of York, on the subject of the commission of the peace, and of the answer thereto, dated the 30th of January.

The Earl of *Warwick* said, that in Warwickshire the same objectionable system was pursued as the noble Earl had stated to be pursued in Yorkshire. Names were sent up to the Lord Chancellor for appointments in the magistracy, solely and purposely with a view to forward the very lowest party purposes. He did not know by whom those lists were sent up to the noble and learned Lord, but there could be no doubt as to the object in view. The individuals were generally selected from Gentlemen whose names he (the Earl of Warwick) had left out, and he was convinced, that the noble and learned Lord could not have made that selection. Those names were selected by others, and from different motives from those which he was convinced actuated the noble and learned Lord. In making his selections for the magistracy, he had always endeavoured to dismiss from his mind all party feelings, but if a contrary course were to be pursued by the Government, and if they were to place names in the commission not recommended by the lords-lieutenant, then he would ask to whom were the people to look, and with whom was the responsibility to rest? If the lords-lieutenant were to be obliged to state why the names of certain persons were not put in the list of magistrates, the consequence would be that the lords-lieutenant would be placed in the situation of general accusers; and he would ask how it was possible for any one to state why thousands of persons should not be placed in the commission? It was impossible for any one to state why every person with an income of 100*l.* a-year within a county, should not be placed in the commission. The lords-lieutenant were responsible for the conduct of those whom they might recommend but surely it was too much to call upon them to state why they did not recommend certain persons who perhaps might be wholly unknown to them. He felt great difficulty in the situation in which he had been placed by the change of system, and he should be very happy to see all the by-ways of introducing persons into the commission at once and for ever put an end to.

The *Lord Chancellor* said, that not having had any idea that the noble lord who had just sat down was to bring forward the case of Warwickshire, and as he had all the counties of England to attend to, and all the lords-lieutenant of those counties to communicate with, he was not prepared to enter into detail with respect to Warwickshire, as the noble Earl had given him no information of his intention to complain, so as to have enabled him to look at the correspondence and to prepare an answer to the statements which had been made. The noble Earl who had opened the discussion had given him full information of his intention, and having looked over the papers relating to the transactions to which the noble Earl had alluded, he was most anxious to give some explanation on the subject, which he trusted would be satisfactory. He was not surprised, that the noble Earl had used one word for another in the speech which he had delivered, as the change of words was perfectly in accordance with the doctrines which the noble Earl had put forward. The noble Earl had spoken of the *custos rotulorum* as naming the magistracy. [The *Earl of Harewood*,—That was a mistake.] He did not doubt that it was a mistake, but it was a mistake in perfect keeping with the doctrines of the noble Earl, who had contended against the exercise of the power which the Crown undoubtedly possessed. What was the doctrine of the noble Earl? The noble Earl stated, that the lord-lieutenant had the power of sending a list of persons to be placed in the commission, and that the Lord Chancellor had the power of affixing the great seal to that list, without which it would not be valid. So far the power of the Crown was acknowledged, and the question at issue therefore was, whether the Lord Chancellor was or was not at liberty to ask the lords-lieutenant why persons not in the lists furnished by the lords-lieutenant had not been placed on those lists. That was the real question at issue, and as the noble Lord complained of such questions being put to him, it followed that the power of the Lord Chancellor to put such questions to the lords-lieutenant was disputed by the noble Earl. Now, he never would give his assent to the doctrine thus put forward by the noble Earl, and he would read the letters, a course to which the noble Earl had forced him, although he deprecated such discussions, which had passed between the noble Earl and himself, which would show the nature of the questions which had been put, and which he contended were necessary in order to have full information as to the individuals whose names had been submitted to him for appointments in the magistracy. He had no objection to read the whole of those letters, as he considered it highly important either for the lords-lieutenant or for the Lord Chancellor to ask each other for information in regard to the persons to be placed in the commission. Such a course he considered necessary, in order, that the appointments might be of such a nature as to give general satisfaction. He stood before their Lordships as the holder of the great seal, and he begged thus publicly and distinctly to state, that he never had acted, and he never would act, on the principles and doctrines put forward by the noble Earl. He approved of the custom of the Lord Chancellor consulting the lords-lieutenant in regard to the appointments to the magistracy, and he had always done so with a disposition to listen with the greatest respect to the information conveyed to him, and to the representations which were made. But to tell him that he was not to exercise his own discretion—that he was to put the great seal to any list which might be forwarded to him, without having the power to ask for any information, and that he was not to listen to any representations which might be made to him in regard to the persons upon that list, or in regard to individuals omitted, were doctrines to which he never could subscribe. If representations were made to him, was he not to be at liberty to communicate with the lords-lieutenant, and was he to pass over those representations, whatever might be their importance, without the slightest notice, and without an attempt to ascertain their truth? He could say that during the time he had held the great seal, he had had to communicate with most of the lords-lieutenant both in England and in Scotland, and there never before had been any objection made, or any unwillingness manifested, to reply to the questions which he had felt it his duty to ask. Lords-lieutenant with whom he differed in politics had been ready to give him all the information in their power, and in many cases when they were not able to furnish him with the information he wanted, they had obtained it for him from others, and it frequently had happened that he had been satisfied with the objections which had been made to individuals, and that the lords-lieutenant, on their part had seen fit to change their opinions, on the representations he had made to them. The result was, that, between them, they had been enabled to frame a list calculated to secure the confidence of the country, and to satisfy all parties. Nor did anybody know of those communications, for they were ever held to be private, so that the feelings of no one could be injured. Such was the course he had always been anxious to pursue, and which, through the kindness of the lords-lieutenant, he had been able to adopt ever since he had held his present office, and he had found no lord-lieutenant, except the noble Earl, to say that he was doing anything disrespectful in asking them for their opinion whether persons recommended to him ought or ought not to be placed in the commission. So much in regard to the course which he had pursued in reference to the magistracy of the country. Then came the question whether it was or was not proper for the holder of the great seal to ask for information from the lords-lieutenant in regard to persons to be appointed to the magistracy, and if he were to acquiesce in the doctrine of the noble Earl, he would by so doing acknowledge that the holder of the great seal had no right to ask any question whatever in regard to persons to be placed in the commission. The noble Earl held, that to ask for such information was improper; but he was at a loss to know when the noble Earl had come to such a conclusion. During last year he had had occasion to communicate no less than four times with the noble Earl in reference to the commission, twice before and twice after the circumstance to which he had alluded, and to all those communications the noble Earl had returned satisfactory answers. No objection had been made to any of those communications, or to the questions he had asked, so that he was at a loss to conceive when the noble Earl had formed the opinion that it was improper for the Lord Chancellor to ask any question of the lords-lieutenant. If he had not, however, very much misunderstood the case, the noble Earl had on a former occasion complained of conduct the very reverse of that of which he now complained. If he recollected rightly, the noble Earl had, when his noble and learned friend opposite held the great seal, complained that an individual had been put into the commission without his consent, and without any communication having been made to him on the subject. [Lord *Brougham:* No, no.] He understood that what the noble Earl complained of at the period alluded to was, that the noble and learned Lord had acted in the matter without communicating with those whom it was the practice to consult, and that his complaint now was of the very opposite character—viz. that he had been consulted by the Lord Chancellor. Dates were of some importance in this case, and he should read to their Lordships a few letters which had passed between him and the noble Earl, but to which he felt much regret at being compelled to refer. He admitted, that it was a wholesome custom to consult the lord-lieutenant with respect to the insertion of new names in the commission of the peace; but at a former period it was not unusual to introduce names against the will of the lords-lieutenant, and at a much earlier time those functionaries were not considered the proper persons to be consulted. On the 24th of October the noble Earl sent him a list of new names to be inserted in the new commission, all of which were inserted. On the 26th of the same month a correspondence took place between the Secretary of State for the Home Department and the noble Earl, relative to the names of four persons which it was proposed to insert in the commission of the peace; and he would read the noble Earl's letter, for the purpose of showing that at that time the noble Earl felt no objection to the mode of communication. The noble Earl stated to the Home Secretary that he was unacquainted with the names of the four gentlemen mentioned in the letter of the 26th of October, and that he could therefore have no personal objection to their appointment on the responsibility of the Home Secretary. In this letter, consequently, the noble Earl raised no objection on the ground of being asked his opinion as to the insertion of new names in the commission. It was thought important, on account of the particular locality in which they were to act, that those gentlemen should be included in the commission of the peace, and their names were accordingly inserted. Again, in a district, which the noble earl would doubtless recollect, there was a town which was without magistrates, and it was suggested as expedient that magistrates should be appointed in that town. He, therefore, on the 9th of November wrote a letter to the noble Earl, stating, that he (the Lord Chancellor) had inserted in the commission all the names suggested by the noble Earl, as well as the four names already alluded to, and asking the noble Earl's opinion as to the propriety, in respect to the particular town before spoken of, of including in the commission two gentlemen whose names had been recommended for that purpose. The noble Earl replied, that to neither of the gentlemen named had he any objection, excepting that he was informed that one of them would not act. The information, however, which he (the Lord Chancellor) had received being quite inconsistent with the intention thus attributed to that gentleman, he felt it his duty to ascertain what the real feeling of the individual might be; and the answer he received from that gentleman was, that he had no disinclination to serve; but that, on the contrary, if he were appointed he would act. About the same time he received a letter from the noble Earl, stating, that he found from inquiries he had made, that the gentleman would act if appointed, and both the names were inserted. Then came the transaction to which the noble Earl had referred—viz. the election of the county treasurer. A certain gentleman being in the commission of the peace was disqualified thereby from standing as a candidate, and he made application to be struck out of the commission. The lord-lieutenant was written to for the purpose of ascertaining whether there was any objection to the striking out of that Gentleman's name, and the reply was, that he declined to give any opinion, as he wished to abstain from all interference with the election. Subsequently that gentleman's name was struck out of the commission. Next came the letter of the 27th of January, on the subject of which the noble Earl had given notice of motion. In reading this letter he felt he was disclosing no secret, for he had written to the same effect to every noble Lord who happened to be a lord-lieutenant. The letter in question informed the noble Earl that nine gentlemen had been mentioned as proper persons to be included in the commission of the peace for the West Riding of York, and inquired whether he had any objection to the insertion of any of those names. To that letter he received a reply from the noble Earl. The noble Earl observed in reply that eight out of the nine gentlemen proposed to be included in the commission were connected with Leeds, and that he was not aware of any want of magistrates in that quarter; that he declined to offer any opinion with respect to the merits of the gentlemen in question, because he protested against the principle that he was to be called upon to perform the invidious task of urging objections against gentlemen who were recommended for the magistracy by others. Now, with respect to the circumstance of a want of magistrates existing in the district alluded to, he could refer their Lordships to a petition, numerously signed, alleging that such deficiency was felt, and it certainly was with great surprise, that he had received a letter from the noble Earl, complaining of certain questions being asked him, which questions he had on former occasions answered without raising any objection. Discussions of this sort only tended to aggravate the evil, and he would not therefore read any more statements similar to those which he had already referred to. He had exercised his best discretion, and taken all possible pains in selecting the individuals who had been appointed, and had moreover canvassed for some time before he had pitched on them. No objection had been made to what he had done from any other quarter, and as far as the individuals alone were concerned, he believed there was no objection whatever. He had now stated all he had to say. He was sorry if the noble Earl thought that he had adopted a particular course from any want of courtesy to him, for he had acted precisely towards the noble Earl as he should have done towards any other lord-lieutenant of a county. Whenever the duty which he had to perform in the selection of the magistracy had rendered it necessary, he had always applied to the lords-lieutenant of counties for assistance, and if they did not possess at the time the information he required, they had always obtained it for him, and he had then acted according to the best of his judgment and discretion.

The Duke of *Wellington* said, that the noble and learned Lord had only done justice to the lords-lieutenant of counties in stating their willingness to correspond with the noble and learned Lord upon all subjects relating to the performance of their duties in respect to the magistrates. He knew—and he believed that the lords-lieutenant in general knew—that the right to appoint the magistrates rested exclusively, by law, in the hands of the person holding the great seal. Courtesy and custom had enabled the lords-lieutenant to recommend to the person holding the great seal, the names of gentlemen who were to be magistrates. The noble and learned Lord, however, while admitting that fact, still asserted his right of appointment, and said that he would exercise that right by appointing persons to the commission who might not be recommended by the lords-lieutenant. He (the Duke of Wellington) did not stand in that House to dispute the right of the noble and learned Lord, as the holder of the great seal, nor had his noble Friend (the Earl of Harewood) disputed it; but what his noble Friend complained of was, the mode in which the noble and learned Lord had exercised that power. When the noble and learned Lord called upon his noble Friend to make good the deficiency of the magistracy in the town of Leeds, he did not write and say—"I have a petition stating, that there are magistrates wanting in Leeds and I beg you will recommend persons who are fit and proper to fill those vacancies." No. The noble and learned Lord took no such step; he went and canvassed the town of Leeds, and having discovered the names of a number of persons, he went to the lord-lieutenant, and stated to him that those were fit persons to be the magistrates. Now, he (the Duke of Wellington) had exercised the duties of a lord-lieutenant in this county for twenty years; he had acted in that character in two other counties besides that in which he was now residing, and he could tell the noble and learned Lord that the practice which he had pursued was not the practice pursued by other noble and learned Lords who had held the high office which he now occupied. The noble and learned Lord, had passed over the invidious situation in which he would place the lords-lieutenant of counties. The noble and learned Lord did not call upon the lord-lieutenant to perform the duty of recommending a person fit and proper to perform the magisterial duties; but the lord-lieutenant was called upon to state, and state confidentially, whether a particular person named to the Lord Chancellor by other parties, and known to be named by other parties, was a fit and proper person to be appointed. So that the lord-lieutenant had to run all the risk—and not an unimportant risk in society—of having to object to the name of a party whom he in all probability knew to have been recommended to the Lord Chancellor by particular individuals for certain political or party purposes. Now, this had been done in the present instance after a particular canvass and inquiry had been instituted, of which his noble Friend had no knowledge, and then his noble Friend was called upon, to give his opinion with reference to the party thus recommended. With what confidence could his noble Friend act towards the noble and learned Lord after such a proceeding? He would tell the noble and learned Lord this, that having himself acted in various official situations, and under men of all descriptions, he could not act with confidence under him with reference to the office of Lord-lieutenant on account of that very mode of proceeding. He would just point out to their Lordships what the operation of the system pursued by the noble and learned Lord was. The noble and learned Lord went and canvassed for opinions in respect to the appointment of magistrates. Now, he would suppose, that a gentleman was recommended to the noble and learned Lord who was what was called in the ancient acts of Parliament a *barrator*, a person who was bound over to keep the peace. But where, he would ask, would the noble and learned Lord, in his canvass, find a recommendation of that kind? Would he receive it from the lord-lieutenant of the county? Would it be from any gentleman of rank, or station in the county, who would have a right to counsel the noble and learned Lord, upon the subject? No such thing. It would be from some political partisan. He did not mean, that the party approached the Lord Chancellor himself; but he approached somebody else who had the ear of the Lord Chancellor. It was from such a source, that such a recommendation came. He would mention another possible case. A gentleman, for instance, goes and stands a contest at a general election; after having stood this contest, he is appointed a captain of one of her Majesty's ships; he goes to sea; and then the Lord Chancellor writes, that it is necessary, that this gentleman should be appointed a magistrate. But the Act of Parliament required, that the magistrate should be resident. That was the description of recommendation, which the Lord Chancellor obtained upon his canvass; and was the lord-lieutenant wrong in declining to communicate with the Lord Chancellor, when he had put upon him the necessity of refusing his assent, to such a recommendation? Was it a recommendation, likely to be made by any nobleman or gentleman of rank or station to the Lord Chancellor? He was certain, that the noble and learned Lord could not stand up in that House, and justify such a recommendation as this. In another case, an attorney retires, and becomes a sleeping partner, and he is recommended to the Lord Chancellor to be a magistrate. Now, he did not complain of such a person being made a magistrate; but what he complained of was, that any person should presume to go near the Lord Chancellor, and recommend such persons as this, to be magistrates, and, that the Lord Chancellor should listen to them, and refer to the lord-lieutenant to give any opinion whatever, in consequence of that description of recommendation. Now, the mode in which the noble and learned Lord, had declared his determination to persevere was, that very mode which led to this description of canvass and appointment, and was the very thing of which his noble Friend complained, and of which he complained, also, and which he fairly acknowledged deprived him of all confidence in the noble and learned Lord, and of all power of acting frankly, honourably, and handsomely under him. All, that he required was, that the magistrates might, as was required by the act of Parliament, be gentlemen of wealth, worth, consideration, and education; that they should have been educated for the bar, if possible; and that, above all, they should be associated with, and be respected by the gentry of the country. The noble and learned Lord said, that they were not to object to men on account of their entertaining particular political opinions. He did not think, that any lord-lieutenant inquired into the political opinions of persons previous to recommending them to the Lord Chancellor; but the noble and learned Lord was very much mistaken if he supposed, that if the lord-lieutenant were to take up any person in the streets and place him upon the bench, the magistrates of the county, would sit upon the same bench, with such a man, and risk their reputations by consenting to act with him. The duties of the magistracy would, in such a case, therefore, be left unperformed. That was the reason why he said, that it was absolutely necessary, that the lord-lieutenant, upon every occasion of this description, should make inquiry as to the conduct, character, education, and station, of the individual, before he came to a determination to recommend him to the Lord Chancellor, as a fit person to be appointed a magistrate.

The *Lord Chancellor* wished to say one word in explanation. The noble Duke had spoken of his going about canvassing. He really did not know to what the noble Duke referred. Nothing had certainly been said by him about canvassing. He had never canvassed; he had never stirred, nor asked anybody for any thing. If the noble Duke meant, that applications had been made to him—if that was the meaning of the word "canvass"—then the noble Duke had spoken what was true. But, that he ever went about to apply to anybody or that he ever canvassed any one, in the sense in which, that word was generally understood, he entirely and positively denied. The noble Duke had also referred to certain individuals of whom he the (Lord Chancellor) knew nothing; one of whom the noble Duke spoke as being a *barrator*—a term which he thought was not known out of the profession: it seemed, however, it was. He begged to ask the noble Duke, whether he meant to say, that he the (Lord Chancellor) had appointed any such person, to the commission of the peace in any county in England? If he had done so he knew nothing of it.

Lord *Wharncliffe* had heard with pain the opinion expressed by the noble and learned Lord, because he did not think, that the noble and learned Lord, had put on a proper footing, the mode in which magistrates ought to be appointed. He protested against the doctrine laid down by the noble and learned Lord and maintained, that it was no excuse for the appointment of magistrates recently made in the county of York.

Lord *Holland* reminded their Lordships, that the office of lord-lieutenant of counties was a comparatively modern office, and a purely military office, established long after the establishment of justices of the peace, and enjoying the privilege of recommending magistrates merely as a matter of privilege. The real responsibility of appointing magistrates rested with the Lord Chancellor; and it was the duty of that high functionary to appoint only such persons as he deemed duly qualified to discharge the important duties reposed in them. He did not mean to impugn the motives or question the actions of men of any particular political party; but he, in common, he believed, with the great mass of the country, thought if men of one political colour alone were admitted to these important offices, though justice itself might not be corrupted, the administration of it might be subject to doubt and suspicion. He believed, such an attack had not been made upon a Lord Chancellor since the time of Lord Somers, when something like a similar attack was made from the same party. He believed it was that attack which first led to the consulting of the *custos rotulorum* at all.

Motion withdrawn.

HOUSE OF LORDS,

Friday, July 6, 1838.

Minutes.] Bill. Read a third time:—Church Discipline.

Petitions presented. By the Bishop of Hereford, from the town of Ross, and from the city of Hereford, against the continuance of Sunday Wakes or Feasts.—By Lord Brougham, from Manchester, for the repeal of the Sale of Beer Act.—By the Duke of Cleveland, from Hampton-end, the Society of Friends, of Darlington, and from various bodies of Wesleyan Methodists in the county of Durham, in favour of the Immediate Abolition of Negro Slavery.—By Lord Sondes, from East Dereham, against any Grant of Money for Maynooth College.

Poor-law (Ireland).] On some verbal amendments to clause 68, which exempts turf bogs from the payment of rates,

The Marquess of *Clanricarde* objected to the exemption. He was at a loss to conceive on what principle it was, that turf bogs should be exempted, when mines were still held liable to the payment of rates.

The House divided on the question, that the clause as amended stand part of the bill. Contents 46; Not-contents 13: Majority 33.

The further debate and proceedings on the bill adjourned till Monday.

HOUSE OF COMMONS,

Friday, July 6, 1838.

MINUTES.] Petitions presented. By Mr. JOHN FIELDEN, from Tiverton, King's Lynn, North Lopham, and Farsfield (Norfolk), from Aphercliff-cum-Darnell, in the Sheffield Union, from the township of Sowerby, and the borough of Bradford (York), from Walton-le-Dale, Hutton, Bideford, Hindley, Ashley, Atherton, and parish of West Leigh (Lancaster), signed by 5,283, from Inhabitants of Leicester and neighbourhood, and from Ansty (Leicester), from Stoke-upon-Trent, from a Dissenting Congregation of Aberdeen, from Lampeter, and from Inhabitants of Ystrad (Glamorgan and Cardigan), from Tichfield (Hants), from Burwash (Sussex), from Somerford, Booth, and Suthenham, from Dalston (Cumberland), from the Male and Female Inhabitants of Collumpton, from Female Inhabitants of West Leigh, Bedford, Atherton, Ashley, Lowton, and Pennington (Lancaster), from a Meeting at Thurstownland (Yorkshire), signed by the Chairman, from the Radical Association of Cummoch (Ayr), and from a Public Meeting at Shipley (Yorkshire), against the New Poor-law.—By Viscount DUNGANNON, from Clergymen of the Archdeaconry of Durham, against the Bill for carrying into effect the second Report of the Ecclesiastical Commission.—By Mr. PLUMPTRE, from the Operative Conservative Association of Warrington, that Roman Catholics may be excluded from the Legislature.

SAVINGS BANKS.] Order of the Day read for the House to go into a Committee of Supply.

Mr. *Hume* rose to move an amendment relating to Savings Banks, and proceeded to call the attention of the House to the resolution, of which he had given notice, respecting the state of the savings banks throughout the country. A resolution nearly to the same effect had been proposed by Mr. Frankland Lewis in 1831, when the loss to the public was less than it was at present. There were at present in the savings-banks 623,000 individual depositors, having standing in their names a sum of 18,500,000*l.* There were also several charitable societies, having investments to the amount of about 300,000*l.*, besides friendly societies, which had about 784,000*l.* Upon these different accounts it would appear, that there was a million of interest paid to the depositors more than the commissioners themselves received. From 1817 to 1828, the commissioners of savings-banks had paid to the trustees interest at the rate of 4*l.* 11*s.* 2*d.* per cent. per annum, and from 1828 to the present time, at the rate of 3*l.* 16*s.* per cent., receiving from the trustees variable amounts of interest, generally at a loss of 10*s.* or 15*s.* per cent. It appeared, then, that, during the twenty years these institutions had been established, there had been an annual loss to the public of 74,287*l.* The House might say, this was no great loss, because the money was invested by the commissioners at different prices, whereas the returns gave the value of the money in the three per cents. as at the price of the day, and of the three and a-half at sixty-seven and upwards, there being an increase, therefore, in the value from the rise in the funds. The resolutions which he had printed would show, that, if all the Government securities were invested, the three per cents. valued at the price of the day, and the three and a-half at par, there would be 20,454,000*l.*, equal to the payment of the whole amount. If the funds should fall, it was impossible, that the Government could remain free from loss without some change being made. All the savings-banks did not give the same rate of interest, nor was all the money paid to the trustees by the commissioners divided among the depositors. Of the 500 savings-banks to which the commissioners paid interest at the rate of 3*l.* 16*s.* 0½*d.* per cent. per annum, 412 paid to the depositors only 3*l.* 6*s.* 8*d.*, while eighty-eight paid 3*l.* 8*s.*, leaving, of course, a surplus, in the hands of the trustees of each set of banks. The anomaly in the act which required amendment was this, that it was left to the trustees to send to the commissioners whatever they might deem surplus. One bank paid its depositors nearly the whole rate of interest it received itself, while others, having larger establishments, paid less, as they required a larger surplus. His motion would be, that the House should go into Committee to consider the 9th George 4th, chap. 93, which fixes the rate of interest, with the view to amend the act, and permit Government or the commissioners, under the directions of the Chancellor of the Exchequer, to reduce the rate of interest given to depositors in savings-banks to an equality with that which is received in the public funds. He had been one of the original founders of these institutions, and had always paid much attention to, and taken a deep interest in, the subject, and he could assure the House, that the security afforded by them was with the public a matter of much more importance than the amount of interest which they paid. The returns for which he intended to move should extend to the last ten years, and he had no doubt that they would present to the House a mass of information which could not fail to excite in the minds of hon. Members very considerable surprise. They would be surprised to find, that, in effect, the debt of the country was increased without the consent or the knowledge of Parliament. Not that he so much objected to the measure to which his motion referred, on the ground that it was a bad financial measure, as because it was a proceeding carried on without the knowledge of the House of Commons. Surely nothing could be more inconsistent with the law of Parliament, and with the principles of the Constitution, than that commissioners, appointed as those were who had the management of savings-banks' funds, should have the power to change from funded to unfunded debt according as they thought proper. Further, he thought it right to observe, that the present practice in reference to savings-banks involved very dangerous consequences in the event of a run upon the Bank of England; this position he conceived to be abundantly proved by the financial state of the country in the years 1836 and 1837. The state of things which existing provisions respecting savings-banks had brought about, was such as he trusted, the House would not allow to continue, especially when they recollected what past experience had shown might be its possible consequences. In the year 1833, the depositors in the savings-banks drew out between 800,000*l.* and 900,000*l.*, and did not deposit above 181,000*l.* The hon. Member concluded by moving, that the House do resolve itself into a Committee of the whole House, to take into consideration the 9th of George 4th, chap. 93, with a view to the alteration and amendment of the same.

The following are the resolutions which had been printed by the order of the House, and to which the hon. Member referred in the course of his speech.

" 1. That there has been received by the commissioners for the reduction of the national debt, on account of savings-banks, and friendly societies in Great Britain and Ireland, between the 6th of August 1817, and the 20th Nov. 1837, the aggregate sum of 31,978,161*l.* 2*s.* 11*d*., principal and interest, and they have paid within the same period, the sum of 11,460,446*l.* 8*s.* 2*d.*, leaving the amount of 20,517,714*l.* 14*s.* 9*d.*, due to the trustees of savings-banks and friendly societies, on the 20th November, 1837.

" 2. That the Government securities and cash standing, on the 20th November, 1837, in the names of these commissioners, valued at the market prices on that day (the 3 per cents. at 93*l.* 4*s.* the 3½ per cents. at about par), and including 302,196*l.* 17*s.* 5*d.* of cash remaining in their names uninvested in the banks of England and Ireland, amounted only to 20,453,494*l.* 12*s.* 8*d.*, showing a deficiency in assets, of 64,220*l.* 2*s.* 1*d.* to pay the whole amount due, and owing by them, to the trustees.

" 3. That the commissioners received, within the period of twenty years as interest or dividends on Government stock and securities standing in their names, the aggregate amount of	£8,073,963	16	6
whilst they paid as interest to the trustees of savings-banks and friendly societies in the same time the sum of	9,558,060	15	6
shewing an aggregate amount of interest of	£1,484,096	19	0

paid, by the commissioners to the trustees, more than they have received from the Government securities, being on the average an annual sum of 74,207*l.* more allowed to trustees than received.

" 4. That the commissioners have paid to the trustees of savings-banks and friendly societies a fixed rate of interest of 3*d.* per 100*l.* per diem, or 4*l* .11*s.* 3*d.* per cent. yearly, from 1817 to 1828; and from that year to the present time the fixed rate of 2½*d.* per 100*l.* per diem, or 3*l.* 16*s.* 0½*d.* per cent. yearly; whilst a variable and lower rate of interest has been received by the commissioners, thereby producing a great loss yearly to the public; and that loss is rapidly increasing, according to the increase of the deposits. That the aggregate loss in ten years, viz., from 1817 to 1828, was 487,657*l.*, or about 48,762*l.* yearly, on the average of these ten years. That the aggregate loss in fifteen years, viz., from 1817 to 1832, was 965,661*l.*, or 68,957*l.* yearly on the average of these fifteen years. That the aggregate loss in twenty years, viz., from 1817 to 20th November, 1837, was 1,548,317*l.* (including 64,220*l.* deficient in the estimate of assets), or about 77,416*l.* yearly on the average of these twenty years, exclusive of compound interest, which ought to be added to show the actual excess of interest paid by the commissioners. In the year ending 20th November, 1838, the loss may be estimated at about 90,000*l.*

" 5. That, whilst the commissioners paid, to about 500 savings-banks in England, Wales, and Ireland, interest at the fixed rate of 3*l.* 16*s.* 0½*d.* per annum, 412 banks paid their depositors only 3*l.* 6*s.* 8*d.*, and 88 banks paid, their depositors 3*l.* 8*s* 5*d.* (being the largest amount allowed by the act to be paid), thus leaving a surplus of interest of 9*s.* 4½*d.* per cent. to the trustees of 412 banks, and 7*s.* 7½*d.* to the trustees of 88 banks. That out of that surplus the expenses of the savings-banks have generally been defrayed; and on the 28th of February, 1838, there was standing in the Bank of England, to the credit of the commissioners in 'the Separate Fund Account,' the sum of 247,787*l.* of that surplus, the interest of which, amounting at 3½ per cent. to 8,672*l.* 10*s.* yearly interest is available towards defraying the loss incurred by the public, as before shewn, although the principal sum remains liable to be called for by the several savings-banks, if required by them, and will reduce the annual loss to the Government to that amount.

"6. That the Government securities standing in the names of the commissioners on the 20th Nov. 1837, namely, 13,306,210*l.* of 3½ per cent. stock, though valued at par, was purchased at prices varying from 75*l.* 18*s.* 7*d.* per 100*l.* stock upwards, and the 6,931,317*l.* of 3 per cents., though valued at 93*l.* 4*s.* per 100*l.* stock, was purchased at prices varying from 67*l.* 17*s.* 11*d.* per 100*l* stock upwards. That these securities, if sold at this time, would realize the full amount of capital and interest due to the trustees of savings-banks and friendly societies; but if the 3 per cents. should fall from from 93*l.* 4*s.* to 83*l.* 4*s.* per 100 stock, and the 3½ per cents. from 100*l.* to 90*l.* per 100*l.* stock, there would be a loss of capital to the Government of two millions sterling, and if the fall of 3 per cents. should be to 73*l.* 4*s.*, and the 3½ per cents. to 80*l.* per 100*l.* stock, the loss of capital would be four millions sterling on the whole amount due to depositors, and so in proportion to the amount of stock sold out to meet the demands of the depositors.

"7. That the whole of the deposits, amounting to 20,517,714*l.*, are by law payable in cash; sums under 10,000*l.* may be demanded by every bank at five days' notice; and sums above 10,000*l.* at fourteen days' notice; and in times of political excitement and panic, the depositors may thus legally make large demands of cash, so as to produce a heavy loss to the Government and greatly inconvenience, if not endanger, public credit.

"8. That by the existing law, the commissioners for the reduction of the national debt may buy, sell, and exchange the Government securities of the savings-banks, as they may think fit; they may purchase Exchequer bills and exchange them for stock; they may sell out stock and purchase Exchequer bills; thereby affecting materially the currency of the country, and changing the nature of the public debt, without the previous knowledge of Parliament; and it appears, that they have exercised these powers largely during the last twenty years, having paid 35,355,014*l.* for the purchase of stock and Exchequer bills, and received from the sale of stock and Exchequer bills the sum of 16,684,645, leaving 18,670,369*l.* as the amount of cost of the stock and Exchequer bills standing in their names on the 20th of November, 1837.

"9. That, whilst it is highly important to the best interests of the country that the Government should continue to afford encouragement and protection to the prudential investment and safe custody of the savings of the industrious classes, it is proper, that such assistance should be afforded without loss to the Government, and with as little danger as possible to public credit."

The hon. Gentleman also referred to the following returns:—

Number of Depositors		No.	Amount in Three Years.
not exceeding	£20	334,114	£2,289,117
Ditto	50	177,491	5,437,238
Ditto	100	72,814	4,986,543
Ditto	150	24,032	2,886,038
Ditto	200	12,463	2,123,474
Ditto exceeding	200	3,038	752,294
Individual Depositors		623,952	18,474,704
Charitable Institutions		5,703	340,712
Friendly Societies		5,785	784,457
		635,440	19,599,873

On the 20th of November, 1837, the balances in Banks of England and Ireland amounted to	297,736	17	4
Ditto, in the hands of treasurers of savings banks uninvested	203,842	0	0
Total	£501,578	17	4

The loss to the public, by the present rate of paying the trustees of savings banks, appeared as follows:

The commissioners pay at the rate of 2½*d.* per day for every £100=£3 16*s.* 0½*d.* per cent.	£1,000,000=	£38,020	16	8
The commissioners receive from Three per Cents. stock, at the price of £93, only £3 4*s.* 6*d.* per year	£1,000,000=	£34,250	0	0
Showing a loss in every million of		£3,770	16	8

Savings Banks, 1832.

	Paid in £.	Paid out. £.	*s.*	*d.*
March	46,841	93,747	17	8
April	33,447	107,534	4	4
May	28,345	114,677	8	9
June	25,515	368,976	19	3
July	47,574	140,632	19	9
	£181,722	£825,569	9	9

Sums paid in and drawn out at two different periods:—

From 28th January, 1832, to 9th February, 1833, inclusive,

Sums paid in	£761,368
Sums drawn out	1,264,118
Decrease of deposits	£502,750

From 9th February, 1833, to 1st March, 1834.

Sums paid in	£1,100,999
Sums drawn out	588,591
Increase of deposits	£512,408

The question having been put,

The *Chancellor of the Exchequer* said, that he should certainly be unwilling to consent to any course which would tend to shake the security of the deposits in savings-banks, and it was his decided opinion, that the disadvantage of taking a single step would far outweigh any possible benefit that could accrue from change. There was, he admitted, some loss to the public, but a still greater injury to the community would arise from disturbing the confidence which was felt in the security of savings-banks; there was no doubt, however, that if at the original establishment of savings-banks, Parliament could have foreseen the extent to which the system was destined to be carried, they might have made much wiser arrangements than those which had been adopted. All that Parliament had ever undertaken, and indeed, all that it could be expected to undertake, was, that the savings of persons of small incomes should be as well secured, and as cheaply managed, as the properties of the largest capitalists. The matter presented two questions,—namely, the security of the capital, and the amount of the interest to be paid. The only recommendation his hon. Friend had made, was, that the House should interfere for the reduction of the interest. The interest originally was 4*l.* 11*s.* 3*d.* per cent., but it was subsequently reduced to 3*l.* 16*s.* He admitted, the Government paid more than they received, but he should decline arguing it as a mere money question. There were greater interests involved in it. If, for instance, by the reduction of the interest, parties were induced to withdraw their deposits, say to the amount of 200*l.*, it would be impossible for them to replace more of that sum than 30*l.* in any one year, and thus all the advantages of savings-banks would be defeated with respect to such individuals. But it might be said, that a slight reduction of interest would not produce any such effect. He held in his hand a statement of the effect on savings-banks of the various panics, commercial and political, and also of the reduction of the interest which took place in 1828. The fact was, whereas in the panic of 1825 the total amount withdrawn from savings-banks did not exceed 361,000*l.*, and in the political movement of 1832 no greater a sum than 550,000*l.*, the consequence of the reduction of interest from 4*l.* 11*s.* to 3*l.* 16*s.* instead of being represented by the smaller of those sums, 361,000*l.*, or by the greater, 550,000*l.*, withdrew from the savings-banks no less than 1,500,000*l.* He was not prepared to say, that under no possible circumstances or at no future time should a reduction take place. He admitted the time might come when a reduction might discreetly and wisely take place; but it never could take place without creating some degree of uncertainty and risk. But, undoubtedly, at the present moment, when the prospects of the country already exhibited symptoms of decided improvement, he would not have it attributed to him by persons out of doors, that for the purpose of effecting a saving in the public expenditure, the mode adopted by Parliament and recommended by Government, was, to cut down the amount of interest payable to the poorer classes, who were the main depositors in savings-banks. There was one of the papers on the table of peculiar importance, contrasting as it did the amount of interest which was paid in money, and that converted into capital. The interest paid in money was only 286,000*l.*, while the interest credited and made principal, was 9,271,000*l.* The depositors in savings-banks were not the class of persons to make experiments upon. He entreated the House, then, not to adopt these resolutions, affirming matters of fact without leading to any immediate remedy, or at least in as far as they suggested a remedy, were likely to produce the dangers he apprehended. So much with respect to the first point; but supposing the reduction of interest effected, how were they to alter the responsibility of the public to the depositors? How were they to make a new contract with them? If a proposition were made, that the depositors should only be paid at the value of money in the market, it would be a death-blow to savings-banks altogether. His hon. Friend had found fault with him for what he had done under one of the classes of the Savings-banks Act, but he had only done what he was directed to do by the act itself. He hoped his hon. Friend would be satisfied with having called the attention of the House to this subject, and would not persevere in his resolutions. But if his hon. Friend persisted in dividing the House, he should certainly resist the proposition of enforcing economy at the hazard of the evils which might follow the adoption of the course recommended by his hon. Friend.

Mr. *Goulburn* considered that the proposition was calculated to excite distrust of the savings-banks, and those most interested in them. So far from thinking that the interest ought to be reduced, or could be reduced with safety, it was only great care and management on the part of those who superintend the savings-banks, could enable them to pay the sums allowed by the public. The act of 1828 had greatly increased the number of depositors, and it was by the increase of the number of the depositors, that the expenses of the savings-banks were increased.

Motion negatived.

THE DUKE OF SUSSEX.] On the motion that the House resolve itself into a Committee of Supply,

Mr. *Gillon* trusted, that the House would favour him with its indulgence while he endeavoured to bring under their attention the subject of which he had given notice. He felt his own inability to do justice to a question of so much delicacy, but it was one so just in itself, that it could not suffer from the incompetence of its advocate. His object was to carry with him the opinion of the House and of the Government, as he felt confident he should be able to carry with him the approbation of the people out of doors in a proposition for conferring on his Royal Highness the Duke of Sussex, some public mark of esteem and respect. He proposed, in the first place, in the few remarks with which he meant to trouble the House, to show, that the Duke of Sussex had hitherto been placed in a position which was very unfair with respect to allowances and favours as compared to the other male branches of the royal family. In the next place he meant to show, that not only did there exist no reason for this invidious distinction, but that the Duke of Sussex was in possession of those distinguished qualities and virtues which endeared the prince and the private citizen—that he had the strongest claims upon the consideration of the people of this country—claims which a generous people would be proud to acknowledge. He should, without further preface, enter into the details of the acts by which different allowances were made at different periods to different members of the royal family. In the first place, he ought to mention, that these acts were so involved, repealing some and substituting others, that it was not without considerable difficulty, that he had been enabled to arrive at an exact conclusion. The first act—namely, the 18th of George 3rd, c. 31, gave to his Majesty the sum of 60,000*l.* per annum for the younger male branches of his family, with this proviso, that none of them were to draw from it more than 15,000*l.*, but this act did not come into operation until after the death of his Majesty. In the mean time provision was made for the different members of the royal family by acts which were extremely intricate. He would begin with the late Duke of York. The 32nd George 3rd, c. 13, conferred upon him an allowance of 18,000*l.* per annum. The 46th of George 3rd, c. 145, conferred an additional allowance of 6,000*l.* He had also an allowance of 10,000*l.* for taking charge of his father, but this last ceased on the demise of George 3rd. Again, by the first of George 4th, an annuity was settled upon the Duke of York of 14,000*l.*, which raised his allowance to 38,000*l.* Besides this he received as compensation for his bishopric of Osnaburgh the sum of 16,000*l.*, and this he received at a time when that territory was occupied by foreign troops. He also commanded two regiments, and enjoyed the sum of 10,000*l.* as commander-in-chief. These sums, taken altogether, amounted to 58,000*l.* a-year. Next came the Duke of Clarence. By the 31st of George 3rd, c. 34, he received an allowance of 12,000*l.* By the 46th of George 3rd, c. 145, he had 6,000*l.* By the 56th George 3rd, confirmed by the 1st of George 4th, he had 2,500*l.*; by the 1st and 2nd of George 4th he had 6,000*l.* On the death of the Duke of York he received 3,000*l.* and by the 7th and 8th of George 4th he received 9,000*l.*, making altogether an annual allowance of 38,500*l.*, besides his different naval commissions, and his pay as admiral of the fleet, the amount of which he (Mr. Gillon) was not cognisant of. He had moreover, the rangership of Bushy-park, which was worth about 3,400*l.* The next was the Duke of Cumberland. By the 39th of George 3rd, c. 29, he received 12,000*l.* By the 46th of George 3rd, c. 145, he received an addition of 6,000*l.* By the 6th of George 4th, c. 71, he received a further 6,000*l.*, and on the death of the Duke of York he received 3,000*l.* These sums amounted to 27,000*l.* annually, but as the Duke of Cumberland had retired from this country, and had become King of Hanover, the sum he enjoyed at present was only 21,000*l.*, but during the time he was resident in this country he received 27,000*l.* a-year. He would then come to the Duke of Sussex. By the 42nd of George 3rd, c. 48, he received 12,000*l.* He ought to state, that the Duke of Sussex received his allowance at a later period of his life than any of his brothers. He was considerably above thirty years of age, and this allowance he received at a period of life when, of all others, it was likely that an individual would necessarily incur a certain expenditure, and from the smallness of his allowance certain engagements and debts would be contracted, engagements which had fallen upon the Duke of Sussex, and from which ever since, notwithstanding a most rigid system of economy, any thing but ostentatious, it was impossible for him to redeem himself, and which, therefore, tended in some degree to embitter a life which was further pressed upon by the severe dispensation of bodily infirmity. By the 46th of George 3rd, c. 145, the Duke of Sussex received an addition of 6,000*l.*, and on the death of the Duke of York he received 3,000*l.*, making altogether 21,000*l.* It was a curious fact, and one well worthy of the attention of the House, that in the Act of the 1st George 4th, in which all the previous acts were recited, allowances were granted to every one of the other male branches of the royal family, and the name of the Duke of Sussex was the only one omitted. With respect to the Duke of Cambridge, he might state, without going into details, that his income amounted to 27,000*l.* Besides this, he had a regiment; and during a very long period he had, as viceroy of Hanover, been in the receipt of a large allowance. He had shown, therefore, that every one of the male branches of the royal family, with the exception of the Duke of Sussex, had received direct allowances and indirect emoluments. The Duke of Sussex at no time received any emolument. Upon the accession of his late Majesty to the Throne, the rangership of Bushy-park was conferred upon the Duke of Sussex, but the emoluments connected with the office were taken away, so that he derived no lucrative benefit from it. He would say, then, that the provision for the Duke of Sussex was comparatively moderate, when he considered the way in which the better part of his life had been applied. It was well known that his Royal Highness was devoted to scientific and literary pursuits. If these pursuits deprived him of naval and military emoluments, he wished to ask, and he did so with no desire for making invidious distinctions—he wished to ask if the time of the Duke of Sussex had not been profitably employed. He wished to ask if it was nothing in an enlightened and enterprising commercial country like this that every discovery that tended to enhance the happiness and comfort of man, that every invention that extended the power of machinery and the powers of the mind, that everything that tended to the advancement of science, that every spark of rising genius, and modest merit should in that distinguished quarter have found patronage and support. It was known, that for twenty-five years the Duke of Sussex had presided over sixty institutions, many of them of a literary and scientific nature, to all of which he had liberally given his money, his time, and his advice. As president of the Royal Society his royal highness had continually recurring demands upon his resources. No invention or discovery was submitted for his approbation that did not in one way or other trench upon his funds. But it was also well known, that out of his comparatively moderate allowance, the Duke of Sussex had collected together a very large and valuable library of scientific and general literature; and further, on simply writing down their names, this library was open to the use and inspection of the public. The House was aware that neither the time nor the allowance of the Duke of Sussex was wasted in mere frivolous pursuits or personal gratification, but that they were both employed in the advancement of literature and science. He begged also to call the attention of the House to the fact, that the Duke of Sussex was now the first resident subject of the Crown; and he wished also to remind the House of the allowances enjoyed by others when they occupied a similar position. He had endeavoured to show the different calls that were made upon his royal Highness's resources, and to those calls he must add another, which, although it could not be alluded to in a discussion of this sort, was yet as sacred in the eyes of God and man, as any other that he had mentioned. As a humble but sincere Reformer—as one devoted to the exercise of every practical and proper economy in the resources of the country, he ventured to bring forward this motion. He trusted, that those more immediately connected with the Government would not be unwilling to bestow some mark of public approbation to the merits of so distinguished and illustrious an individual. He felt, that in bringing forward this motion, he carried with him the approbation of his constituents and of the people at large. Whatever support the motion might meet with in the House, the people out of doors, who had ever regarded the Duke of Sussex with eyes of well-merited gratitude, would regard it with approbation. He would conclude by moving, that a humble address be presented to her Majesty, praying her to take into consideration the Parliamentary allowance hitherto granted, and at present enjoyed by the Duke of Sussex, with a view to recommend some addition.

Mr. *W. F. Campbell* had great pleasure in seconding the motion, as he was quite sure, that it was one which out of doors would meet with the warmest approbation. There was one point which his hon. Friend had omitted in the course of his speech; namely, that his royal Highness, the Duke of Sussex disposed of very large sums annually, in the way of charity. It was only just that this should be taken into account in discussing this motion.

Lord *John Russell* said, that this was a motion for an address to her Majesty, asking her to recommend that House of Parliament to make an addition to the income enjoyed by the Duke of Sussex. He certainly felt, that if it were proper that a Parliamentary addition should be made to the income of the Queen's uncle, it would be proper for the minister of the Crown to propose that addition, as no advice naturally could be more grateful to her Majesty; and, therefore, if it were proper to make this addition, they were guilty of some neglect of duty in not having tendered that advice. With this feeling, therefore, he felt himself bound to say a few words, and but a few words, to the House, not having received any command to bring down a message from the Crown, or to make any proposition to the House upon this subject; and in addressing these few words to the House, he should not attempt to dispute the greater part of the statements made by his hon. Friend, the Member for Falkirk (Mr. Gillon); and, above all, he should not dispute that which he had stated so eloquently, and at the same time with so much truth, of his royal highness the Duke of Sussex's liberal and indeed munificent patronage of the arts, and of his royal highness disposing of the income he enjoyed in a manner befitting a prince and a member of the royal family. Neither should he attempt to dispute the statement made with regard to the income hitherto enjoyed by his royal highness, as compared to the incomes enjoyed at different times of their lives by the other members of the royal family. He would not enter into the circumstances—he did not desire to enter into the circumstances by which that difference was caused, or why larger incomes were enjoyed by the brothers of the Duke of Sussex; but in looking back to the discussions which he remembered to have taken place on some of those allowances, he could not say, that he thought those discussions very well calculated to prompt a very ready application to that House on the part of the Crown for an increase of the allowances of the royal family. When such increase was made, it ought to be in some case in which there was a general and almost universal assent of the House, and an assent as ready and as universal on the part of the people out of that House. He remembered with respect to one of those grants, being present at a division when the grant was carried or rejected, he did not recollect which, by a majority of one. He remembered on another occasion a grant, to which the hon. Member for Falkirk had alluded—namely, the grant of 10,000*l.* a-year to the Duke of York on the occasion of intrusting to him George 3rd, during his malady, occasioning not in that House but out of the House reflections which were not only injurious to the Duke of York, but tended in some degree to lower the royal family to which he belonged in the estimation of the people. It was because he wished to keep up that respect which was due to the royal family that he thought it more advisable for the Ministers of the Crown to keep the incomes of the royal family within the limits already assigned them; as, in exceeding the limits, he thought they would not be acting up to the just expectation on the part of the nation with regard to any of the members of the royal family. Without comparing the income of his royal highness the Duke of Sussex with those incomes which had hitherto been enjoyed by the other members of the royal family, which he thought would not be altogether a satisfactory mode of deciding these questions, because many of those to whom the argument would be applied might say, that they differed as to the justice and propriety of those incomes—he would say, therefore without entering into any comparison, that the income now enjoyed by his royal highness, the Duke of Sussex, in consequence of the votes of Parliament was 21,000*l.* He must admit, that his royal highness was of a most liberal disposition, and that his royal highness wished to benefit in every way, not only charitable institutions, but those which belonged to science and literature, which made it difficult for him to keep within the limit of his income; but, at the same time, that income was not a stinted or narrow income for Parliament to bestow on a younger branch of the royal family. It was upon such considerations, during the present year, when the civil list had to be settled, that in adverting, as Ministers felt bound, to the income of his royal highness, the Duke of Sussex, they did not think it their duty to make any proposition for an increase. His own opinion, if he had consulted his private inclination as to what he would wish done for the Duke of Sussex as an individual, the respect he entertained for him would have induced him to wish that a larger income than that his royal highness at present enjoyed might be granted; but, speaking in his character as a Member of Parliament and a Minister of the Crown, he thought the Ministers consulted the interests of the royal family in general, and the interests of the Crown, in coming to the resolution to which they had come, that it was not expedient to advise her Majesty to send a message down to the House to propose any increase of the income of his royal highness, the Duke of Sussex. Having said this, and having said, that he did not think that it would be proper to give such advice to her Majesty, he begged he might not in the least be understood as saying, that he rather wished that this proposition should come from a Member of the House than that it should come from the Ministers of the Crown. On the contrary, he thought that if such a proposition were to be made to the House of Commons, it ought to be a proposition made by a Minister of the Crown, and not left to an individual Member of the House. Therefore, while he opposed the proposition of the hon. Member for Falkirk, he opposed it as a proposition which he did not think it wise or advisable in itself to adopt, not from any censure which it would seem to cast upon his conduct as a Minister of the Crown, but he thought he was bound to withstand the motion which had been made to the House, because he did not think it fitting to advise her Majesty, as an act of grace on her part, to accede to such a proposition.

Mr. *Warburton* had never heard a speech more honourable to the person filling the office of leader of that House than the speech that had just been made by the noble Lord, since both by his political connexions and the friendship which they all knew subsisted between the royal Duke and the noble Lord, as well as the manner in which the subject had been brought forward, the noble Lord had every motive that could weigh with a Minister of the Crown to consent to the proposition. The course taken by the noble Lord did him the greatest honour, and would, he hoped, be only estimated by the country, as he perceived it was by Gentlemen on the other side of the House.

Mr. *Freshfield* had come down to the House with an impression that the motion would have met with the general concurrence of the House, and he thought the noble Lord might, without any compromise of public duty, have given his assent to it. The hon. Gentlemen who had moved and seconded the proposition had said so much in support of the proposition, and of the merits of his royal highness, that they had left little or nothing for him to add. At the same time he might venture to impress upon the House the recollection that his royal highness, the Duke of Sussex, had ever been, peculiarly, the member of the royal family who had resided and spent his income in this country, and that the number of institutions over which he presided was seventy, and not sixty, as an hon. Member had that night stated. In addition to this, the various other acts of charity of his royal highness were most numerous. He should not think that he was performing his duty if he did not give his cordial support to this motion.

Mr. *Tennyson D'Eyncourt* said, that the speech of the hon. and learned Gentleman who had just sat down had deprived this motion of all party character, and he hoped every hon. Member opposite would look at the case solely with reference to its own merits. His royal highness was now between sixty and seventy years of age, and it ought not to be forgotten that he never received any Parliamentary allowance until he was past thirty. He had most honourably set apart, for many years past, a portion of his income for the liquidation of debts, which, owing to the small allowance for his own personal expenses which he received in the heyday of his youth, he had been compelled to contract. It was a fact, that his royal highness was not in a state at the present moment to entertain with that hospitality and dignity which his station required, the distinguished foreigners who were now in London. This was neither conducive to the dignity of the royal family, nor to the credit of the country.

Mr. *Hawes* thought the motion placed the House in an inconvenient and inappropriate position, because the duty of the House consisted in checking, not in urging, expenditure on the part of Government. He believed, that the grants at present enjoyed by Members of the royal family were amply sufficient to support their dignity. If, however, a case of necessity were made out, no one would be more ready than himself to come forward in favour of an additional allowance to his royal highness, the Duke of Sussex; but this had not been attempted on the present occasion. He was grateful to the noble Lord for the manner in which he had spoken. The observations of the noble Lord had removed a great many difficulties which many hon. Members felt on the question, and were of a kind, to induce the acquiescence of the House. He, therefore, hoped that the hon. Gentleman would suffer his motion to be disposed of without pressing it to a division.

Sir *R. Peel* said his feelings of duty led him to give his support to the noble Lord on this question. He must say, he should not be satisfied with himself if he shrunk from doing what was personally disagreeable, in giving the noble Lord that support, and he must say too, that he felt fully, that from community of feeling with his Royal Highness, and from the noble Lord's intimacy with his Royal Highness, the noble Lord had very great temptations to depart from the strict line of duty on this question. The noble Lord had set an example that night to public men, which, in his opinion, was well deserving of imitation. With respect to the allusions that had been made to the political feelings of the illustrious Duke, he was not aware that the illustrious Duke had ever urged his political opinions so as to be disagreeable to any one. As he had said, in giving his support to the noble Lord, he was doing what was personally disagreeable to himself; for his personal opinion was in favour of the motion. When he saw the illustrious Duke devoting his time to the pursuits of science, and occupying a distinguished situation in its ranks, making even hospitality subservient to the interests of science, he could not but say, that his personal feelings were in favour of the motion; but he agreed entirely with the noble Lord, that her Majesty's Government ought to make up their mind upon a question of this nature, on an enlarged view of the circumstances of the whole royal family; and in the course that suggested from the House of Commons, that they ought to meet with support. The House of Commons was not fit to be trusted with grants of this kind, and after all the abuse which he had heard applied to different Governments, on the score of lavish expenditure, he believed, that Governments were ever more inclined to economy on questions of this kind than the House of Commons. It would be exceedingly dangerous to acquiesce in the precedent that would be furnished by the motion of the hon. Gentleman. Moreover, he thought it was infinitely more respectful to her Majesty, that motions of this kind should originate with the Government. The Government was much better aware of the remote consequences to be expected from grants of this sort, than any single member of that House could possibly be. On these grounds he gave his entire and cordial support to the view of the noble Lord, wishing, at the same time, however, to guard against its being supposed that, in refusing this grant, he was in the slightest degree influenced by political or party motives.

Mr. *Hume* said, that if his political and personal feelings had ever agreed, it was in favour of this motion. For thirty years that he had been engaged in politics, he had ever found his Royal Highness in favour of education, the friend of the poor, and the advocate of liberty. It was not for him to say, in what respects his Royal Highness had done his duty; he would only ask any individual to say, in what the illustrious Duke had not done his duty. But he did expect, after what fell from the noble Lord, that his hon. Friend, the Member for Selkirk, would at once have put an end to the discussion, by withdrawing his motion. For his own part he could only say, that he felt he had a public duty to perform, and he should perform it, though it would be with great pain that he should divide on this question. He hoped the hon. Member would withdraw his motion.

Mr. *W. Williams* also opposed the motion. If the illustrious Duke were able to collect the libraries and curiosities which it was said he had accumulated, and that out of his present income, surely this, which was urged in favour of an increase of his allowance, was the strongest argument against such a grant. He was convinced that the Duke of Sussex would not, if appealed to, consent to have any addition to the sum which he at present received. The object which the people most desired when they sought the Reform Bill was, that it should become the means of effecting a reduction in their burdens; and yet, by a return which he held in his hand, the expenditure was 1,700,000*l.* less the year before the Reform Bill passed than in the year 1836.

Viscount *Dungannon* observed, that whatever were the politics of the illustrious Duke, no one could be more ready than he was, to bear testimony to the benefits which the illustrious Duke had conferred on the arts, and the active services which he had rendered in behalf of all our charitable institutions. He hoped, however, that the hon. Gentleman who had brought forward this question, would not press it to a division, as, if he did so, it might be construed into a denial of those claims on the gratitude of the House which all admitted the illustrious Duke possessed.

Sir *De Lacy Evans* was well aware of the importance which attached to the opinions of the noble Lord, and the right hon. Gentleman (Sir Robert Peel), but he could not help thinking, that this motion had been treated by them rather harshly. He did not know why or wherefore, but he did not hesitate to say, that a greater degree of exactness and rigour had been shown in the arguments adduced on that evening, than he had heard on many other similar occasions. One thing was quite clear, that the admiration entertained by the public, of the useful and consistent public life of the illustrious Duke, was echoed from all sides of that House; and if the Government had thought fit to accede to this motion, he was certain that they would have been supported by the cordial sympathy of the House, and the people.

Sir *M. Wood*: Though it had on some occasions happened, that his votes did not give satisfaction to his constituents, he was sure that his conduct would receive their sincere approbation, when he supported a motion for increasing the allowance of that illustrious Duke, who had done them essential service in his unwearied efforts to promote education, science, and every object beneficial to mankind. He thought this grant was the more called for now, as he recollected to have heard, many years ago, from the Dukes of Sussex and Kent, that they could not, in their youth, command, for their necessary expenses, such an income as the sons of merchants expended in Switzerland or Germany.

Lord *Worsley* expressed his belief, that those who most strongly opposed pensions in that House would be found amongst the first to give their sanction to an increase in the allowance of the illustrious Duke. He could answer for his own constituents, and, he might add (he was sure), for all parts of the country, that no vote could give them greater satisfaction than that which gave the illustrious Duke greater scope for the exercise of his truly benevolent qualities.

Sir *E. Codrington* was sure that his constituents would cheerfully assent to such a motion as that which was proposed, and which would enable the illustrious Duke to increase the benefits which he had already conferred in the promotion of the arts and sciences and of the good of the public generally. It had been said, if the illustrious Duke could collect libraries at present, the fact showed his income to be sufficiently large; but it should be recollected that this expenditure, for what might be considered a public object, diminished the means which he had at his disposal for his own immediate expenses.

Mr. *Gillon* replied. His only motive in introducing this question was a sense of public duty. The support which he had received from hon. Members representing large constituencies left him no alternative but to divide the House.

The House divided on the original motion — Ayes 98; Noes 48: Majority 50.

List of the AYES.

A'Court, Captain
Adam, Admiral
Aglionby, H. A.
Attwood, W.
Attwood, M.
Baines, E.
Baring, hon. W. B.
Barnard, E. G.
Bernal, R.
Bewes, T.
Blake, W. J.
Blakemore, R.
Blandford, Marq.
Bruges, W. H. L.
Buller, Sir J. Y.
Burr, H.
Campbell, Sir H.
Chandos, Marquess
Clay, W.
Courtenay, P.
Crawley, S.
Creswell, C.
Cripps, J.
Dalmeny, Lord
Darby, G.
Duckworth, S.
Eastnor, Viscount
Freemantle, Sir T.
Gaskell, J. M.
Goulburn, rt. hon. H.
Graham, rt. hon. Sir J.
Grimsditch, T.
Harcourt, G. S.
Hardinge, rt.hn.Sir H.
Harvey, D. W.
Hector, C. J.
Hinde, J. H.
Hobhouse, rt.hn.Sir J.
Hobhouse, T. B.
Hodges, T. L.
Hodgson, R.
Holmes, W.
Hope, hon. C.
Hope, G. W.
Hoskins, K.
Hughes, W. B.
Hume, J.
Humphrey, J.
Jackson, Serg.
James, Sir W. C.
Kemble, H.
Knatchbull, right hon. Sir E.
Labouchere, rt.hon.H.
Langdale, hon. C.
Litton, E.
Mackenzie, T.
Manners, Lord C. S.
Maule, hon. F.
Maule, W. H.
Morris, D.
O'Brien, W. S.
O'Ferrall, R. M.
Ord, W.
Paget, Lord A.
Palmerston, Viscount
Parker, J.
Parker, R. T.
Peel, rt. hon. Sir R.
Philips, M.
Plumptre, J. P.
Pringle, A.
Pusey, P.
Rice, rt. hn. T. S.
Richards, R.
Rolfe, Sir R. M.
Rundle, J.
Russell, Lord J.
Scholefield, J.
Sheppard, T.
Sibthorp, Colonel
Smith, B.
Somerset, Lord G.
Stanley, Lord
Stansfield, W. R. C.
Stewart, J.
Strutt, E.
Teignmouth, Lord
Tennent, J. E.
Thornely, E.
Tollemache, F. J.
Turner, W.
Vernon, G. H.
Vivian, J. E.
Wallace, R.
Williams, W.
Williams, W. A.
Winnington, T. E.
Yates, J. A.

TELLERS.

Hawes, B.
Warburton, H.

List of the NOES.

Abercromby, hn. G. R.
Archbold, R.
Attwood, T.
Baillie, Colonel
Bannerman, A.
Barry, G. S.
Bridgeman, H.
Briscoe, J. I.
Bryan, G.
Bulwer, Sir E. L.
Butler, Colonel
Campbell, W. F.
Chalmers, P.
Childers, J. W.
Codrington, Admiral
Denison, W. J.
D'Eyncourt, rt. hn. T.
Duff, J.
Dundas, F.
Dundas, hon. T.
Evans, Sir De L.
Freshfield, J. W.
Grey, rt. hon. Sir C.
Guest, Sir J.
Hill, Lord A. M. C.
Horsman, E.
Howard, P. H.
Lynch, A. H.
Macleod, R.
Maher, J.
Muskett, G. A.
O'Connell, J.
O'Connell, M. J.
O'Conor, Don
Pechell, Captain
Rice, E. R.
Roche, W.
Roche, Sir D.
Rnshbrooke, Colonel
Sheil, R. L.
Somerville, Sir W. M.
Stuart, Lord J.
Stuart, V.
Turner, E.
Vigors, N. A.
Wilshere, W.
Wood, Sir M.
Wood, G. W.

TELLERS.

Dungannon, Viscount
Gillon, W. D.

The House in Committee of Supply.

EXPENSE OF THE CORONATION.] The *Chancellor of the Exchequer*, in moving that a sum be granted to her Majesty sufficient to defray the expenses of the Coronation, observed that the Coronation of his Majesty George 4th cost 243,000*l.* The expenses of the next Coronation, that of William 4th, were estimated at 50,000*l.*, but were found to amount to a sum less than that which he had named by 5,000*l.* or 6,000*l.* The whole expenses of the present Coronation exceeded that of his late Majesty; but he could explain the difference in a way which would prove that her Majesty's Ministers were justified in the outlay which had been made. The House would recollect, that at the approach of the Coronation her Majesty's Ministers determined to fix on a certain standard as to the expenses of that ceremonial. Many appeals were made in Parliament, and also from public meetings, stating that the scale proposed for the Coronation of her Majesty the Queen was unworthy the dignity of the occasion, and would give general disappointment to the public. While her Majesty's Government felt it to be their duty to prescribe a limit to the expenses, they also felt, that within that limit it was their duty to make the Coronation of the Sovereign of this country in all respects suited to the occasion, and conducted in such a manner as to give the greatest share of enjoyment to all her subjects; and if they compared the late Coronation with that which took place at the period when George 4th ascended the throne, he had no difficulty in saying that taking (as connected with the ceremony) the object of Parliament and Government to be that the greatest number of the free subjects of this kingdom should have the greatest degree of enjoyment which could on such an occasion be possibly afforded, the course taken by them (the Government) was of all others the best which could be adopted. Let those who differed from the Ministers on a former occasion compare the late ceremonial with those Coronations which they recollected, and let them ask themselves whether they did not feel a pride at the course and the result of the proceeding, whether they regarded the aspect in which the people of this country were presented to our distinguished visitors at the inauguration of her Majesty, or when they assembled in well-conducted multitudes in the streets. He was enabled to state to the House, that of the several items in which an increase had taken place, that increase was in no respect occasioned by that portion of the ceremonial peculiarly connected with the Sovereign, but was incurred in consequence of extending to the great mass of the people the means of participating in this national spectacle. For instance, the Lord Chamberlain's expenses were less than at the accession of William 4th. [Mr. *Hume:* Is there an estimate]. No; but as there was an excess over the last, he wished to show how it had taken place. There was accommodation given to three thousand private persons in the abbey more than had been afforded on the last occasion. In like manner the procession rendered necessary a much larger expense; but except as to the medals, the amount paid to theatres, and the fireworks, the expenses of the late were kept within the bounds of the former Coronation. He believed, that a larger sum of money had been expended in the metropolis than if there had been two banquets. He spoke on good authority when he said, that the public had voluntarily paid for seats commanding a view of the procession no less a sum than 200,000*l.* He had been told, on the same authority, that in addition to the enormous metropolitan population of one million and a half, individuals from the country had flowed into town, and were enabled by the arrangements made to share in the great national ceremonial, to the number of 400,000. So that there was exhibited within the metropolis the glorious sight of two millions of souls; and never was there given to sovereign or to a country a prouder proof of good conduct and discretion than that afforded by the assembled multitude on the occasion of her Majesty's Coronation. The right hon. Gentleman concluded by moving, that a sum of 70,000*l.* should be granted to the Sovereign in order to defray the expenses of the Coronation.

Mr. *Hume* said, that although the vote proposed was double the estimate presented to the House previous to the Coronation, yet, as it was fully three-fourths less than that required for the Coronation of George 4th., he had nothing to say against it. He must, however, observe that a more gratifying sight than that of last week he had never witnessed. It had afforded a convincing proof, that the great mass of the people were disposed to enjoy themselves whenever occasion was presented, quietly and rationally, and that the more they were left to their own discretion the better behaved they would be. The conduct of the populace at the Coronation rebounded much to their credit, and presented the strongest proof of their devoted loyalty, and affection for their Sovereign.

Vote agreed to.

SUPPLY—PUBLIC BUILDINGS—NATIONAL GALLERY.] The *Chancellor of the Exchequer* took that opportunity to state, that he should shortly have to present to the House two petitions, the one from the Linnean Society and the other from the Horticultural Society, both praying that Kew gardens might be made more worthy of their national character, by their being converted into a botanical garden, to which the public at large should be admitted. He thought this was a subject in all respects deserving of the attention and consideration of the House, and he pledged himself to take an early opportunity of directing notice to it. With respect to the admission of the public to these gardens, he might observe, that very recently increased facilities had been given. He might be allowed also to take that opportunity of stating, that with respect to Hampton Court, arrangements had been made by the Government, by the abolition of a sinecure office formerly charged on the civil list, which had put them in possession of the requisite funds, to give to the public a complete free admisson to the palace, without cost or charge, of any kind upon four days in each week. Of the remaining two one was to be allotted to artists desirous of studying there, and the other to the cleansing of the rooms.

Vote agreed to.

On the grant of 4,378*l.* 8*s.* 8*d.* for the National Gallery and Royal Academy.

Colonel *Sibthorpe* complained of the manner in which the estimates for this building were brought forward year after year in this piecemeal manner. It was a building which, after all, it would be much better to pull down than to complete.

Mr. *Hutt* expressed his regret, that the public were not admitted freely to see the exhibitions of the Royal Academy; especially when it was considered that those exhibitions took place in a building erected with the public money. He thought that the Academy might throw their rooms open to the public at least on one day in the week.

Mr. *O'Connell,* as the building had been executed at the public expense, maintained that it would be reasonable to expect that the exhibition of the Royal Academy should be open to the public on two days of the week.

The *Chancellor of the Exchequer* observed it ought always to be in the recollection of the House, that the whole of the money obtained by the exhibitions of the Royal Academy, was devoted to the advancement of the arts. Not a single individual derived any benefit from it. It was employed in defraying the expenses of the schools and of lectures, and in the endowment of pupils at Rome, &c. At the various times at which this question had been discussed over and over again it was generally acknowledged that nothing could be more creditable than the manner in which the Royal Academy had devoted large sums to the advancement of the arts. As to the notion that the royal academicians derived any personal profit or advantage from the exhibition, there never was a greater mistake. While, however, he said this, he undoubtedly thought that a certain regulated free admission to the exhibition would be at once creditable to the royal academicians and useful to the arts. But anything like a general throwing open of the exhibition was, in his opinion, to be strongly deprecated. And why was this proposed throwing open of exhibitions of art to be limited to the exhibition of the Royal Academy? The public had no right to free entrance merely from the circumstance that the building in which the exhibition took place was a public building.

Mr. *Clay*, as one of the public, disclaimed any right on the part of the public to gratuitous admission to the exhibitions of the Royal Academy.

Mr. *Hume* was sure that his hon. friend who had just spoken would be of a different opinion if he knew the facts of the case. He felt quite indignant at the conduct of the Royal Academy. A certain number of gentlemen, assembled at a public meeting, had come to a resolution that it would be very advantageous to the lower classes if they could obtain gratuitous admission to the exhibition of pictures in a building which actually belonged to the public. For what was the situation in which the Royal Academy stood in that respect? The edifice in Trafalgar-square had cost the public 100,000*l.* The Royal Academy occupied half that building, at a cost to the public, therefore, of 50,000*l.* Now, all that the meeting to which he had just alluded required of the Royal Academy was, that they would allow the rooms to be gratuitously opened one day in the week; Monday being the day proposed, as that was a kind of half-holiday already with the working classes in the metropolis. To that proposition the Academy gave an abrupt refusal. It was next proposed to them that they should allow the exhibition to be open gratuitously for a week after its regular close. To that they as decidedly objected. What were the receipts of the Royal Academy? On the average those receipts had recently been 6,000*l*, or 7,000*l.* annually, while the exhibition was at Somerset-house, the present year the receipts would probably amount to 10,000*l.* What did they do with this money? Their receipts for the seventy years during which the Royal Academy had existed, amounted to 272,000*l.* Of this money 73,000*l.* had been devoted to sending students to Rome, and to the payment of salaries to royal academicians as professors, to the payment of a professor of anatomy, &c.; to annual dinners, 19,700*l.*; to the pension fund, 20,000*l.*; to the expenses of the exhibition, 60,000*l.*; property in hand, 52,000*l.*; expenses of the schools, 36,000*l.* charities, 19,000*l.* &c. In a letter which had been written and published by the President of the Royal Academy—he did not remember his name—Sir Martin Shee—in which the writer spoke of Radicalism as hostile to the arts, forgetting that he had many years ago published an opinion that the arts flourished more under the cap of liberty than under other forms of government, and forgetting that the opening of the exhibition was not demanded by Radicals alone—in that letter great stress was laid upon the expense of sending students to Rome, but he had a list of the names of fifteen students who had been sent to Rome since the year 1771, with the expense of each, and the whole amounted only to 2,756*l.* Nothing could be a greater fallacy than the claims of this society to any share in the formation of the public taste. It was evident, that when George 3rd., gave the Royal Academy apartments in Somerset House, he intended that their exhibition should be open to the public. When it appeared that the Royal Academy had 52,000*l.* in hand, it was rather hard to call upon the public to pay the expense of a new building for them. To the system pursued by the Royal Academy it was attributable that the people of this country were in a state of ignorance with respect to the arts, which had no parallel in any other country in Europe. Why was it, that the people of England had not as refined a taste in painting and in sculpture as the people of any other country in the world? Because they were excluded from our exhibitions of art. The whole principle on which the Royal Academy was founded was monopoly—exclusion. Why not put all societies of artists on the same footing?—Why was the Royal Academy to be the favoured society? He was not disposed to vote a farthing more of the public money for its benefit. He would therefore move that the proposed grant be postponed until further information was obtained on the subject; and if the Royal Academy did not make some reasonable concession he hoped that the building would be taken from them. It was not erected for them. They were only to be permitted to occupy a portion of it until the public servic should require that portion for other purposes. Why did they not imitate the example of other public bodies, why did they not imitate the conduct of the East-India Company, who liberally threw open their museum to the public every Saturday? The Royal Academy, which ought to set an example to other institutions, was the most mean and stingy of them all. He would move therefore that the grant be postponed for fourteen days.

The *Chancellor of the Exchequer* begged to call the attention of the Committee to the fact, that the proposition was a grant to complete the National Gallery, and that it did not contain a single farthing for the Royal Academy; and yet the hon. Member for Kilkenny proposed to suspend it for a fortnight, on the ground, that it was a grant for the benefit of the Royal Academy! With respect to what the hon. Gentleman had said about the expense of sending students to Rome, more was said of the benefit of such a course than it deserved. What he considered to be the chief advantage which the public derived from the Academy was, the lectures of the different professors: and he well remembered the pleasure and benefit which he had enjoyed from assisting at those lectures when he was a young man. The several schools of the Academy were also open to young artists in the most liberal manner; and, in his opinion, it was an institution which deserved general support

Mr. *Warburton* was persuaded, that if the right hon. Gentleman were only judiciously to exercise the power which he held in his hands, he might soon bring the Royal Academy to consent that their exhibition should be open one day in the week to the public. When the public was called upon for money to complete a building for the Academy, it was the bounden duty of Government to require some equivalent for the public. The Royal Academy possessed 52,000*l.*, with which they might build, if they thought proper, but they preferred coming upon the public treasury. Under these circumstances, Government ought to stand out, and demand for the public some equivalent. Looking at the question, in the shape of one of interest to the Royal Academy, he would venture to say, that by opening the exhibition one day in the week to the public, they would create a love of the arts which would eventually repay them ten, ay, a hundred fold. As it was, they took a most narrow view of their own interest. If, however, they persisted in refusing to do this, Government ought to give them notice to quit, and tell them, which was the fact, that they wanted more room for the National Gallery. When the original vote passed for the erection of the National Gallery, he protested against half the building being appropriated to the Royal Academy. He said, at that time, that it would be necessary to build large rooms for the reception of church pictures—which were to be obtained on moderate terms. The consequence of dividing the building was, that there was not a single room sufficiently large for the reception of such pictures as he had alluded to.

Viscount *Sandon* thought it would be very unwise to withdraw public support from an institution which had produced such men as Sir Francis Chantrey, Sir David Wilkie, and other eminent artists. At the same time he was willing to allow that some arrangement might be made to admit the public gratuitously to the exhibition, either one day in the week or for a week after the regular close of the exhibition; and he thought the Royal Academy would show a sense of their own interests, and a due regard for the interest of the arts generally, by acquiescing in some plan of that kind.

Sir *Walter James* was understood to argue, that the Royal Academy was to be considered either as a public or a private institution: if it were a public institution, then its exhibitions ought to be opened free to the world: if it were a private institution, then he was at a loss to conceive why it should enjoy the privilege of holding its exhibitions in a public building more than the Suffolk-street Society, or any other society of artists in the kingdom. He was also at a loss to conceive why the Cartoons, the most valuable works of art of which the nation could boast, should not be removed to a place where the public might have an opportunity of viewing them without cost, and without inconvenience.

Sir *R. Inglis* observed, that the Royal Academy owed its existence, from the beginning to the end, to the liberality of George 3rd; that it was for a considerable period supported at the sole expense of that monarch; and that its funds, such as they now were, were applied, not to the aggrandisement of individuals, but to the general cultivation and improvement of the arts. It was an institution, therefore, in every way entitled to public respect. The rooms at Somerset-house had been presented to them, as a free gift from the Crown, for the purpose of their exhibitions, and for the general transaction of their business. If, therefore, they had a right to the rooms at Somerset-house, so in an equal degree had they now a right to the rooms appropriated to them in the National Gallery.

Vote agreed to.

SUPPLY—BREVIATES.] On the proposition, that the sum of 72,000*l.* be granted to defray the charge for salaries and expenses of the two Houses of Parliament, and of allowances to retired officers of the two Houses, for the year ending 31st March, 1839, being put,

Mr. *Hume* observed, that he had, on a former occasion asked for an account of the salaries paid to the officers connected with the House of Lords, and had been told, that he could not move for any such an account. In the present estimate he found that 32,700*l.* were included in this vote on account of those salaries. He should, therefore, move, by way of amendment, that the vote be reduced by the sum of 32,700*l.* This he did in order, if possible, to obtain a return stating the manner in which this money was appropriated.

The *Chancellor of the Exchequer* said, if the hon. Gentleman wished to know the names of the persons to whom the money was paid, he could very easily arrive at that knowledge by referring to the reports of committees of the House of Lords which had sat upon the subject of the fees and salaries paid to the officers of their Lordships' House. But, with respect to one House making motions for returns relating to the establishment of the other, he thought it a proceeding in which a certain degree of discretion should be used.

Lord *Granville Somerset* observed, that 1,000*l.* was charged for preparing the breviates of private bills. He wished to know whether that was intended to be a permanent charge, or whether it was a payment on account of the experiment which had been made during the present Session.

Mr. *P. Thomson* said, that the 1,000*l.* was certainly to defray the expense of the present year. As far as his observation had gone, he believed, that the experiment had answered perfectly well. In consequence of the breviates the attention of Members had been drawn to the details of private bills; and, he believed, that from the knowledge of the attention of Members being so called to private bills many of those gross jobs which had taken place in former years had not been attempted during the present Session. He did not consider the sum of 1,000*l.* to be any great remuneration to the Gentleman who had prepared the breviates, and who had discharged that duty so much to the satisfaction of the Speaker and of the House; nor did he think that the object could be attained at a less sum. Mr. Booth (the gentleman referred to) was a man of great ability, of great integrity, and one possessing an extensive knowledge of the law.

Mr. *Cresswell* bore willing testimony to the able manner in which Mr. Booth had discharged the duty intrusted to him.

The *Speaker* said, that the House having confided to him the duty of selecting the individual to whom the charge of preparing the breviates was to be intrusted, he thought it right to state the circumstances under which he had made his selection. The House was perfectly aware that this was merely an experiment for one year. In that consisted the difficulty of getting an individual who was competent to discharge the duty, to undertake it. It was obvious, that the task of preparing breviates of private bills required a person of very considerable professional experience, in order to discharge the duty in a manner satisfactory to the House. It was not easy to find a professional gentleman of very considerable experience who would consent to relinquish three or four months of the most active period of the year in order to serve the House of Commons, it being quite uncertain whether he would afterwards be retained by the House, or whether the remuneration which the House might be disposed to give, would be such as would correspond with his views to accept. Under these circumstances, he made all the inquiries he could, respecting the gentleman whom he had appointed to discharge this duty. With Mr. Booth he had no previous acquaintance; he had acted upon the judgment of an individual in whom he could perfectly confide. That gentleman recommended Mr. Booth as a person well qualified to perform the duty required of him, and, as far as the experiment had gone, he considered that Mr. Booth had conducted himself in a manner which entitled him to the approbation of the House. He had felt, that the greatest inconvenience to which the House was exposed in making the experiment was, that the execution of that experiment might possibly be confided to an incompetent individual. He was, therefore, desirous to select a gentleman not only qualified by professional experience, but, being well aware that any gentleman having to perform the duty required, might have to encounter some opposition, he was exceedingly desirous also that, in addition to being a person of professional experience, he should be an individual of a firm, steady, and independent character; one who would not suffer himself to be influenced by any consideration other than that of a strict regard to his duty, and who would not be liable to be affected by any solicitations or applications from any party. These were the qualifications and requisites which he had sought for, and he believed, that they had all been found in Mr. Booth. Under these circumstances, he having required from Mr. Booth to sacrifice three or four months of the most important part of the year to a professional man, without the means of affording him any assurance of his being permanently employed or efficiently remunerated by the House, he did not think, that he did otherwise than what was consistent with proper feeling and justice towards a gentleman in offering him the sum of 1,000*l.*, always bearing in mind that the duty was one purely experimental.

Vote agreed to.

Several other votes were agreed to, and the House resumed.

FIRST FRUITS AND TENTHS.] Mr. Baines moved, that the House should go into a Committee on his resolutions on the First Fruits and Tenths.

Lord *John Russell* at this advanced period of the Session would recommend his hon. Friend to let this measure stand over.

Mr. *Goulburn* did not think, that it would be fair towards the House for the hon. Member for Leeds to persist in going into Committee.

Mr. *Baines*, in reply, said, that if it was the determination of both sides of the House to resist the introduction of the measure he must submit, but his wish was so far to advance his bill, which he had ready, as to have it printed and circulated, that both Parliament and the country, particularly the clergy, might be fully aware of the precise nature and object of that bill. As long ago as the 8th of May, he had carried the Committee by a large majority, and ever since that time he had laboured to advance the bill, but the pressure of Government business and the interruption to the proceedings of the House in other ways had defeated his exertions till he now felt, that he must give up all hopes of further progress for the present. He would, however, say, that so long as he had the honour of a seat in that House he should never cease to urge upon its consideration this act of justice to the poor clergy.

Resolutions withdrawn.

HOUSE OF COMMONS,

Saturday, July 7, 1838.

MINUTES.] Bills. Read a second time:—Arms (Ireland); County of Clare Advance.

Petitions presented. By Mr. T. DUNCOMBE, from Finsbury, against the Middlesex County Courts Bill; and from the Vestries of St. Andrew's, Holbourn, and St. George's, against the Plurality of Votes under the Poor-law Amendment Act.—By Mr. KINNAIRD, from the Magistrates of Perth, against the Prisons (Scotland) Bill.—By Mr. PRINGLE, from the Corporation of Cordwainers of Edinburgh, against the Royal Burghs (Scotland) Bill.

PRISONS (SCOTLAND).] House in Committee.

Mr. *Pringle* moved as an addition to Clause 17, the insertion of the following words at line eight, "Or one of the deputy-lieutenants to be named by the Lord-lieutenant."

The Committee divided on the original motion:—Ayes 33; Noes 53; Majority 20.

List of the AYES.

Arbuthnott, H.
Baillie, Col.
Blair, J.
Blandford, Marquess
Boldero, H. G.
Broadley, H.
Bruges, W. H. L.
Buller, Sir J. Y.
Burroughes, H.
Chute, W. L. W.
Darby, G.
Dowdeswell, W.
Farnham, E. B.
Filmer, Sir E.
Gordon, Capt.
Hawkes, T.
Hepburn, Sir T. B.
Hodgson, R.
Hope, hon. C.
Hope, G. W.
Houstoun, G.
Hughes, W. B.
Hurt, F.
Jackson, Sergeant
Lascelles, W. S.
Litton, E.
Mackenzie, T.
Rae, Sir W.
Round, J.
Rushbrooke, R.
Sinclair, Sir G.
Tennent, J. E.
Vere, Sir C. B.

TELLERS.

Pringle, A.
Lockhart, A. M.

List of the NOES.

Abercromby, G.
Adam, Admiral
Alston, R.
Bewes, T.
Bridgman, H.
Brotherton, J.
Byng, rt. hn. G. S.
Carnac, Sir J. R.
Chalmers, P.
Craig, W. G.
Dalmeny, Lord
Dundas, F.
Elliot, hon. J. E.
Fergusson, R. C.
Fitzroy, Lord C.
Hastie, A.
Hayter, W. G.
Heneage, E.
Hill, Lord A. M. C.
Hobhouse, Sir J.
Howard, P. H.
Howick, Viscount
James, W.
Kinnaird, hon. A. F.
Loch, J.
Maher, J.
Marshall, W.
Murray, rt. hn. J. A.
O'Conor, Don
O'Ferrall, R. M.
Paget, Lord A.
Pease, J.
Pendarves, E. W. W.
Philips, M.
Power, J.
Price, Sir R.
Rice, E. R.
Russell, Lord J.
Stanley, E. J.
Stansfield, W. R.
Stuart, V.
Style, Sir C.
Thorneley, T.
Turner, E.
Vigors, N. A.
Wallace, R.
Warburton, H.
White, A.
Wilbraham, G.
Winnington, H.
Wood, G. W.
Wrightson, W. B.
Yates, J. A.

TELLERS.

Steuart, R.
Maule, F.

On Clause 35 being proposed,

Mr. Lockhart moved an amendment with the view of assessing the rates, not on the houses alone of the district, but all the various property.

Mr. *F. Maule* opposed the amendment. The committee up-stairs had adopted the principle of the Bill, as the best that could be devised; and he hoped the Committee would not now depart from it.

The Committee divided on the original question;—Ayes 54; Noes 45: Majority 9.

Remaining clauses agreed to.

The House resumed. The report to be received.

List of the AYES.

Abercromby, G.
Adam, Admiral
Aglionby, H. A.
Alston, R.
Archbold, R.
Baines, E.
Bowes, J.
Bridgeman, H.
Brotherton, J.
Chalmers, P.
Collins, W.
Craig, W. G.
Dundas, F.
Elliot, hon. J. E.
Ferguson, Sir R.
Ferguson, R.
Finch, F.
Fleetwood, Sir P.
Grattan, H.
Hastie, A.
Hawes, B.
Hill, Lord A. M.
Hobhouse, T. B.
Hodges, T. L.
Howard, P.
Hutt, W.
James, W.
Kinnaird, hon. A. F.
Langdale, hon. C.
Loch, J.
Maher, J.
Marshall, W.
Murray, right hon. J.
O'Conor, Don
O'Ferrall, R. M.
Parker, J.
Parrott, J.
Philips, M.

Phillpotts, J.
Rice, E. R.
Seymour, Lord
Stanley, E. J.
Stansfield, W. R.
Strutt, E.
Thornley, T.
Vigors, N. A.
Wallace, R.
Warburton, H.
White, A.
Wilbraham, G.
Winnington, H. J.
Wood, G. W.
Wrightson, W. B.
Yates, J. A.

TELLERS.

Maule, F.
Steuart, R.

List of the NOES.

Arbuthnott, H.
Bailey, J., jun.
Baillie, Colonel
Baring, hon. W. B.
Barrington, Viscount
Blair, J.
Broadley, H.
Bruges, W. H. L.
Burroughes, H.
Chute, W. L. W.
Darby, G.
Douglas, Sir C. E.
Dowdeswell, W.
Dungannon, Lord
Egerton, W. T.
Estcourt, T.
Filmer, Sir E.
Gibson, T.
Gladstone, W. E.
Gordon, Capt.
Gore, O. J. R,
Gore, O. W.
Grant, F. W.
Grimsditch, T.
Henniker, Lord
Hepburn, Sir T.
Hope, hon. C.
Hope, G. W.
Houstoun, G.
Hughes, W. B.
Jackson, Serg.
Kemble, H.
Knight, H. G.
Mackenzie, T.
Pakington, J. S.
Pringle, A.
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